



# **Field Services Policy Manual**

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**IDAHO DIVISION OF VOCATIONAL REHABILITATION  
FIELD SERVICES POLICY MANUAL (update to index 10/2012)**

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## **SECTION 1.0 – PURPOSE AND GENERAL REQUIREMENTS OF THE IDAHO VOCATIONAL REHABILITATION PARTICIPANT SERVICES PROGRAM**

The Idaho Division of Vocational Rehabilitation (IDVR) program assists eligible persons with disabilities to prepare for and achieve an employment outcome. “Employment outcome” means entering or retaining full-time, or if appropriate, part-time competitive employment in the integrated labor market to the greatest extent possible. It also means supported employment; or other types of employment, including self-employment, consistent with self-sustaining activity for wages or compensation consistent with the customer’s strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

Competitive employment is work performed in the integrated labor market in which the customer is compensated at or above minimum wage, but not less than the customary wage and benefits paid for the same or similar work performed by customers who do not have a disability.

The IDVR is a statewide program that develops and utilizes partnerships for effective service delivery. Partnerships vary, but include those programs authorized under the Rehabilitation Act such as Independent Living Centers and Tribal Vocational Rehabilitation Programs. Programs authorized under the Workforce Investment Act (WIA) are utilized to the maximum extent possible as allowed in Section 188 of the Act. It is understood that each program is unique and offers unique cultural and professional expertise. Cooperative Agreements with respective programs are encouraged and should be referred to for local understanding. Staff is encouraged to understand these agreements and provide information, referral and services as appropriate to the needs of the customers they serve. Consult with the Regional Manager for access to pertinent cooperative agreements.

Vocational Rehabilitation is based upon an Individual Plan of Employment (IPE) that is oriented to the achievement of an employment outcome. Services provided to persons with disabilities must be documented as necessary to overcome related barriers to employment and must be provided as cost effectively as possible.

The Division strives to maintain a highly accountable program to all customers.

IDVR provides, as appropriate to the vocational rehabilitation needs of each eligible customer, goods or services necessary to enable the customer to achieve an employment outcome.

### **EXCEPTION TO POLICY**

VR Counselors are delegated substantial decision and purchasing authority based upon the caps outlined in the Payment Policy. Exceptions to policy require the approval of a VR Regional Manager and the notification and consultation of the Chief of Field Services. Documentation of the VR Regional Manager’s approval must be noted in the case file.

Purchases in excess of delegated authority are reviewed by the Regional Manager and approved by the Chief of Field Services or designee. Documentation of the approval of purchases in excess must be noted in case file.

## ***1.1 Legal Citations***

The IDVR program is operated in compliance with the Federal Rehabilitation Act of 1973, as amended. The legal authorities for the policies contained in the Vocational Rehabilitation Services Policy Manual are: Title 34 CFR Part 361, issued January 17, 2001 in the Federal Register implementing the Rehabilitation Act Amendments of 1998; and Title 67, Chapter 53 of the Idaho code related to provisional appointments in state government for those with severe disabilities.

## ***1.2 Program Requirements***

Eligibility is determined without regard to sex, race, creed, age, color, national origin or type of disability.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

IDVR will establish and maintain a record of services for each customer for, and recipient of, vocational rehabilitation services, which includes data necessary to comply with VR agency and Federal Rehabilitation Service Administration (RSA) requirements.

In the purchase of goods or services for persons with disabilities, IDVR complies with its procurement policy, Purchase of Services and Supplies for customer use in the Vocational Rehabilitation Program.

Case service expenditures require written authorization prior to the initiation of the service or purchase of any goods. Oral authorizations by a Regional Manager or above are permitted in emergency situations, but must be confirmed promptly in writing and forwarded to the provider. Emergency oral authorizations are to be followed up with a written authorization within three (3) business days.

Goods and services will be provided subject to the guidelines of the Order of Selection (Section 14.0).

When appropriate, counselors shall refer customers with disabilities to receive services from other agencies and organizations.

Each applicant or eligible customer being provided vocational rehabilitation services shall be informed of the procedure for requesting a review and a determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and the availability of the Client Assistance Program (CAP).

## ***1.3 Provider Standards***

IDVR requires service providers:

To be licensed by the Division of Occupational Licensing, the U.S. Department of Education Office of Post-Secondary Education, or a professional certifying body.

OR

IDVR requires service providers that offer vocational rehabilitation services to apply to be an approved service provider with the Division. CRPs must be accredited based on IDAPA rules.

OR

IDVR Counselors may occasionally approve the purchase of services from non-license providers such as, educational tutoring, foreign language interpreters, or other services to support the rehabilitation needs of a customer.

### ***1.4 Selection of Service Providers***

Providers are selected by a combination of the customer's informed choice and State procurement rules. VR counselors will assist the customer in acquiring information necessary to make an informed choice regarding the selection of service provider.

### ***1.5 Definitions:***

(Reference Federal Register / Vol. 66, No. 11 / Wednesday, January 17, 2001 / Rules and Regulation)

- a. ***Applicant*** means, customer who submits an application for vocational rehabilitation services in accordance with Sec. 361.41(b)(2). (Authority: Section 12(c) of the Act; 29 U.S.C 709 (c))
- b. ***Assessment for determining eligibility and vocational rehabilitation needs*** means, as appropriate in each case, (i)(A) A review of existing data—(1) To determine if a customer is eligible for vocational rehabilitation services; and (2) To assign priority for an order of selection described in Sec. 361.36 in the States that use an order of selection; and (B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment; (ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment for an eligible customer, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for support employment, of the eligible customer. This comprehensive assessment – (A) is limited to information that is necessary to identify the rehabilitation needs of the customer and to develop the individualized plan of employment of the eligible customer; (B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements –
  - 1) Existing information obtained for the purposes of determining the eligibility of the customer and assigning priority for an order of selection described in Sec. 361.36 for the customer; and
  - 2) Information that can be provided by the customer and, if appropriate, by the family of the customer; (c) May include, to the degree needed to make such a

determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the customer and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that effect the employment and rehabilitation needs of the customer; and (D) May include, to the degree needed an appraisal of the patterns of work behavior of the customer and services needed for the customer to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the customer to perform adequately in a work environment; (iii) Referral, for the provision of rehabilitation technology services to the customer, to assess and develop the capacities of the customer to perform in a work environment; and (iv) An exploration of the customer's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experience, including experiences in which the customer is provided appropriate supports of training.  
(Authority: Section 7(2) of the Act; 29 U.S.C. 705(2))

- c. ***Assistive technology device*** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a customer with a disability.  
(Authority: Section 7(3) of the Act; 29 U.S.C. 705(3))
  
- d. ***Assistive technology service*** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including; (i) The evaluation of needs of a customer with a disability, including a functional evaluation of the customer in his or her customary environment; (ii) Purchasing, leasing, or otherwise providing for the acquisition, by a customer with a disability, of an assistive technology device; (iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (iv) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (v) Training or technical assistance for a customer with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the customer; and (vi) Training or technical assistance for professionals (including customers providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of customers with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by a customer with a disability. (Authority: Sections 7(4) and 12(c) of the Act; 29 U.S.C. 705(4) and 709 (c))
  
- e. ***Community rehabilitation program.*** (i) Community rehabilitation program means a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to customers with disabilities to enable those customers to maximize their opportunities for employment, including career advancement: (A) Medical, psychiatric, psychological, social, and vocational services that are provided



under one management; (B) Testing, fitting, or training in the use of prosthetic and orthotic devices; (C) Recreational therapy; (D) Physical and occupational therapy; (E) Speech, language, and hearing therapy (F) Psychiatric, psychological, and social services, including positive behavior management;. (G) Assessment for determining eligibility and vocational rehabilitation needs; (H) Rehabilitation Evaluation or control of specific disabilities; (K) Orientation and mobility services for customers who are blind; (L) Extended employment; (M) Psychosocial rehabilitation services; (N) Supported employment services and extended services; (O) Services to family members if necessary to enable the applicant or eligible customer to achieve an employment outcome; (P) Personal assistance services; (Q) Services similar to the services described in paragraphs (A) through (P) of this definition. (ii) For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

- f. ***Comparable services and benefits means***, (i) Services and benefits that are (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; (B) Available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's individualized plan for employment in accordance with Sec. 361.53; and (C) Commensurate to the services that the customer would otherwise receive from the designated State vocational rehabilitation agency. (ii) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit. (Authority: Sections 12 (c) and 101 (a)(8) of the Act; 29 U.S.C. 709 (c) and 721 (a)(8))
- g. ***Competitive employment*** means work; (i) in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which a customer is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by customers who are not disabled. (Authority: Sections 7(11) and 12© of the Act; 29 U.S.C. 705(11) and 709 (c))
- h. ***Employment outcome*** means, with respect to a customer, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in Sec. 361.5 (b)(11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including a customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 7(11), 12(c), 100(a)(2), and 102 (b)(3)(A) of the Act; 29 U.S.C. 705 (11), 709(c), 720 (a)(2), and 722 (b)(3)(A))
- i. ***Employment outcome maintained*** means the customer has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome and the customer no longer needs vocational rehabilitation services.
- j. ***Satisfactory outcome*** means at the end of the appropriate period, not less than 90 days, the customer and the vocational counselor consider the employment outcome to be satisfactory and agree that the customer is performing well in the employment.

- k. **Extended services** means ongoing support services and other appropriate services that are needed to support and maintain a customer with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after a customer with a most significant disability has made the transition from support provided by the designated State unit. (Authority: Sections 7 (13) and 623 of the Act; 29 U.S.C. 705 (13) and 795i)
- l. **Family member**, for purposes of receiving vocational rehabilitation services in accordance with Sec 361.48(i), means a customer; (i) Who either, (A) Is a relative or guardian of an applicant or eligible customer; or (B) Lives in the same household as an applicant or eligible customer; (ii) Who has a substantial interest in the well-being of that customer; and (iii) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible customer to achieve an employment outcome. (Authority: Sections 12 (c) and 103 (a)(17) of the Act; 29 U.S.C. 709 (c) and 723 (a)(17))
- m. **Homemaker** is recognized as non-competitive gainful work. In order for a household manager to be considered an appropriate vocational objective, the customer must perform a majority of certain work activities within a family unit. These include, but are not limited to: family financial management, cleaning, meal preparation, laundry, mending, childcare, and other household activities. The performance of these responsibilities must positively impact the family's economic circumstances. For example, by rehabilitating a household manager, economic advantage occurs because the family will not have to pay someone else to perform household management tasks.
- n. **Indian tribe** means any Federal or State Indian tribe, band, Rancheria, pueblo, colony, or community, including any Idaho native village or regional village corporation. (Authority: Section 7 (19)(B) of the Act; 29 U.S.C. 705 (19)(B))
- o. **Customer with a disability**, except as provided in Sec. 361.5(b)(29), means a customer (i) Who has a physical or mental impairment; (ii) Whose impairment constitutes or results in a substantial impediment to employment; and (iii) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. (Authority: Sections 7(20)(A) of the Act; 29 U.S.C. 705(20)(A))
- p. **Customer's representative** means any representation chosen by a customer or eligible customer, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the customer, in which case the court-appointed representative is the customer's representative. (Authority: Sections 7 (22) and 12 (c) of the Act; 29 U.S.C. 705(22) and 709 (c))
- q. **Informed choice** means the process by which customers in the public rehabilitation program make decisions about their vocational goals, the services and service providers necessary to reach those goals, and how those services will be procured. The decision making process takes into account the customer's values, lifestyle, and characteristics, the availability of resources and alternatives, and general economic conditions. Informed

choice is a collaborative process involving the customer and IDVR staff in coordination with other resources as necessary.

**Informed Choice Guidelines:**

Informed choice does not mean unlimited choice. A customer's choices are limited by several factors.

- The choice must relate to and be necessary to achieving an employment outcome
- The choice must be consistent with the customer's strengths, resources, priorities, abilities, capabilities, needs and interests.
- The choice must be made pursuant to all Federal, State, and IDVR rules related to purchasing and providing services.
- When deciding what goods and services will be provided, the following will be part of the informed choice decision:
  - Cost, accessibility, and duration of potential services;
  - Customer satisfaction with those services to the extent that information relating to customer satisfaction is available;
  - Qualifications of potential service providers;
  - Types of services offered by the potential providers;
  - Degree to which services are provided in integrated settings; and
  - Outcomes achieved by individuals working with service providers, to the extent that such information is available.

- r. Integrated setting*, (i) With respect to the provision of services, means a setting typically found in the community in which applicants or eligible customers interact with non-disabled customers other than non-disabled customers who are providing services to those applicants or eligible customers; (ii) With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible customers interact with non-disabled customers, other than non-disabled customers who are providing services to those applicants or eligible customers, to the same extent that non-disabled customers in comparable positions interact with other persons. (Authority: Sections 12 (c) of the Act; 29 U.S.C. 709 (c))
- s. Maintenance* means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Authority: Sections 12 (c) and 103 (a)(7) of the Act; 29 U.S.C. 709 (c) and 723 (a)(7))
- t. Ongoing support services*, as used in the definition of "Supported employment" (i) Means services that are (A) Needed to support and maintain a customer with a most significant disability in supported employment; (B) Identified based on a determination by the designated State unit of the customer's need as specified in an individualized plan for employment; and (C) Furnished by the designated State unit from the time of job placement until transition to extended service, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the customer's term of employment in a particular job placement or multiple

placements if those placements are being provided under a program of transitional employment; (ii) Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on; (A) At a minimum, *twice-monthly monitoring at the worksite* of each customer in supported employment; or (B) If under specific circumstances, especially at the request of the customer, the individualized plan for employment provides for *off-site monitoring, twice monthly meetings with the customer*; (iii) Consist of; (A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (b)(6)(ii) of this section; (B) The provision of skilled job trainers who accompany the customer for intensive job skill training at the work site; (C) Job development and training; (D) Social skills training; (E) Regular observation or supervision of the customer; (F) Follow-up services including regular contact with the employers, the customers, the parents, family members, guardians, advocates, or authorized representatives of the customers, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement; (G) Facilitation of natural supports at the worksite; (H) Any other service identified in the scope of vocational rehabilitation services for customers, described in SEC. 361.48; or (I) Any service similar to the foregoing services. (Authority: Sections 7 (27) and 12 (c) of the Act; 29 U.S.C. 705 (27) and 709 (c))

- u. *Personal assistance services*** means a range of services provided by one or more persons designed to assist a customer with a disability to perform daily living activities on or off the job that the customer would typically perform without assistance if the customer did not have a disability. The services must be designed to increase the customer's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the customer is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services. (Authority: Sections 7(28), 102(b)(3)(B)(i)(I), and 103(a)(9) of the Act; 29 U.S.C. 705(28), 722(b)(3)(B)(i)(I), and 723(a)(9)) [[Page 272]]
- v. *Physical and mental restoration services*** means; (i) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment; (ii) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws; (iii) Dentistry; (iv) Nursing services; (v) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services; (vi) Drugs and supplies; (vii) Prosthetic and orthotic devices; (viii) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws; (ix) Podiatry; (x) Physical therapy; (xi) Occupational therapy; (xii) Speech or hearing therapy; (xiii) Mental health services; (xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical treatment; (xv) Special services for the treatment of customers with supplies; and (xvi) Other medical or medically related rehabilitation services. (Authority: Sections 12 (c) and 103 (a)(6) of the Act; 29 U.S.C. 709 (c) and 723 (a)(6))

- w. ***Physical or mental impairment*** means; (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or (ii) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))
- x. ***Post-employment services*** means one or more of the services identified in Section 361.48 that are provided subsequent to the achievement of an employment outcome and that are necessary for a customer to maintain, regain, or advance in employment, consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 12 (c) and 103 (a)(18) of the Act; 29 U.S.C. 709 (c) and 723 (a)(18)) Note to paragraph (b)(42): Post-employment services are intended to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service. Post-employment services are available to assist a customer to maintain employment, e.g., the customer's employment is jeopardized because of conflicts with supervisors or co-workers, and the customer needs mental health services and counseling to maintain the employment; to regain employment, e.g., the customer's job is eliminated through re-organization and new placement services are needed; and to advance in employment, e.g., the employment is no longer consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The customer is informed through appropriate modes of communication of the availability of post-employment services.

- y. ***Rehabilitation engineering*** means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by customers with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community. (Authority: Section 7(12)(c) of the Act; 29 U.S.C. 709 (c))
- z. ***Rehabilitation technology*** means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, customers with disabilities in areas that include: education, rehabilitation, employment, transportation, independent living, and recreation. The term includes

rehabilitation engineering, assistive technology devices, and assistive technology services. (Authority: Section 7(30) of the Act; 29 U.S.C. 705(30))

- aa. ***Substantial impediment to employment*** means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders a customer from preparing for, entering into, engaging in, or retaining employment consistent with the customer's abilities and capabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))
- bb. ***Supported employment means***, (i) Competitive employment in an integrated setting, or employment in integrated work settings in which customers are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customers with ongoing support services for customers with the most significant disabilities; (A) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and (B) Who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated State unit and extended services after transition as described in paragraph (b)(20) of this section to perform this work; or (ii) Transitional employment, as defined in paragraph (b)(54) of this section, for customers with the most significant disabilities due to mental illness. (Authority: Section 7(35) of the Act; 29 U.S.C. 705(35))
- cc. ***Supported employment services*** means ongoing support services and other appropriate services needed to support and maintain a customer with a most significant disability in supported employment that are provided by the designated State unit; (i) For a period of time not to exceed 18 months, unless under special circumstances the eligible customer and the rehabilitation counselor or coordination jointly agree to extend the time, to achieve the employment outcome identified in the individualized plan for employment; and (ii) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment. (Authority: Sections 7(36) and 12 (c) of the Act; 29 U.S.C. 705(36 and 709 (c))
- dd. ***Transition services*** means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including: post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment. (Authority: Sections 7(37) and 103 (a)(15) of the Act; 29 U.S.C. 705(37) and 723 (a)(15))

- ee. **Transitional employment**, as used in the definition of “Supported employment,” means a series of temporary job placements in competitive work in integrated settings with ongoing support services for customers with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placement until job permanency is achieved. (Authority: Sections 7(35)(B) and 12 (c) of the Act; 29 U.S.C. 705(35)(B) and 709 (c))
- ff. **Transportation** means travel and related expenses that are necessary to enable an applicant or eligible customer to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems. (Authority: 103 (a)(8) of the Act; 29 U.S.C. 723 (a)(8)) (i)
- gg. **Unpaid Family Worker** is recognized as non-competitive gainful work. In order for unpaid family work to be considered an appropriate vocational objective, the customer must work in a family business or on a family farm, which is operated by one or more members of the customer’s family.
- hh. **Vocational Rehabilitation Counselor** (VRC) is the designated employee position in charge of managing the customer’s case. For the purposes of this manual a Vocational Rehabilitation Specialist is considered a VRC.

## SECTION 2.0 – ETHICS

- A. All Idaho Division of Vocational Rehabilitation (IDVR) employees must adhere to the Idaho Ethics in Government Manual:  
<http://www2.state.id.us/ag/manuals/index/html>
- B. IDVR ascribes to, and requires all Vocational Rehabilitation Counselors and Field Services Staff to follow the Code of Professional Ethics for Rehabilitation Counselors accepted by the Commission of Rehabilitation Counselor Certification (CRCC).  
<http://www.crcertification.com>
- C. Provision of Services to Potential and Current IDVR Employees/Interns/Volunteers
  - If an IDVR employee becomes a customer, their VR case will be served by a region other than where they work.
  - If an IDVR customer accepts employment with IDVR their case will be served by a region different than where they accepted employment.
- D. Internships, participants in training programs, or trial work experiences of customers served by IDVR will not be served from a counselor in the same office where the trial work, internship, or participation in training programs is located.
- E. If a family member of an employee or a family member of anyone who resides in the employee’s residence applies for services they will be served by a counselor from a different region from the employee.

- F. An employee shall not financially benefit from decisions made under the authority of IDVR.
- G. An employee will not make IDVR purchases (case services or other purchases) from a family member or a family member of anyone who resides in the employee's residence, or from a business owned or controlled by such an individual. This includes customer reimbursements.

## **SECTION 3.0 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION**

### ***3.1 Confidentiality***

All information acquired by Idaho Division of Vocational Rehabilitation (IDVR) must be used only for purposes directly connected with the administration of the vocational rehabilitation program. As a general rule, information containing personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program, except as provided in this policy. Use, release, and obtaining of personal information by IDVR shall conform to applicable State law and rules, and applicable Federal law and regulations.

Requests for information under the Idaho public records laws should be referred to the deputy attorney general assigned to the Agency.

For purposes of this policy, informed written consent shall:

- A. Be explained in language that the customer or their representative understands;
- B. Be dated, and specify the length of effect;
- C. Be specific in designating IDVR as the agency authorized to use, disclose or receive information;
- D. Be specifically designated to the parties to whom the information may be released;
- E. Specifically designate the parties whom the information may be released; and
- F. Be specific as to the purpose(s) for which the information may be used.

### ***3.2 Release of Personal Information to Customers with Disabilities, their Representative or Attorney***

If requested in writing by a customer of IDVR, and upon informed written consent by the customer and/or his or her representative, all information in such customer's case record that pertains to such customer shall be made available in a timely manner to that customer, except:

- 3.2.1** Medical, psychological or other information that IDVR believes may be harmful to the customer. This information may not be released directly to the customer but may be



provided to the customer through a third party chosen by the customer, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the customer, in which case the information must be released to the court appointed representative.

**3.2.2** Information obtained from outside IDVR may be released only under the conditions established by the outside agency, organization or provider or mandated for them by Federal or State law.

**3.2.3** An applicant or eligible customer who believes that information in the customer's record of services is inaccurate or misleading may request that IDVR amend the information. If the information is not amended, the request for an amendment must be documented in the record of service.

**3.2.4** IDVR will respond to a case records request made under this section within ten (10) working days after receipt of a written request. One current copy of the case record will be made for the customer at no charge. Additional copies will be provided at the flat fee of \$25 each.

### ***3.3 Release to Other Agencies or Organizations***

If information requested has been obtained from another agency, organization or professional, it will be released only under conditions established by that agency, organization or professional.

- IDVR may release personal information without informed written consent of the customer in order to protect the customer or others when the customer poses a threat to his/her safety or the safety of others.

### ***3.4 Release in Response to Investigations in Connection with Law Enforcement***

IDVR shall release personal information in response to investigations in connections with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to a court order.

### ***3.5 Release for Audit, Evaluation or Research***

At the discretion of the Administrator, personal information may be released to an organization, agency, or customer engaged in audit, evaluation or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for customers with disabilities, and only if the organization, agency or customer assures that:

- A. The information will be used only for the purposes for which it is being provided;
- B. The information will be released only to customers officially connected with the audit, evaluation or research;

- C. The information will not be released to the involved customer;
- D. The information will be managed in a manner to safeguard confidentiality and,
- E. The final product will not reveal any personal identifying information without the informed written consent of the involved customer, and/or his/her representative.

### ***3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker's Compensation and Law Enforcement Agencies***

A subpoena issued to IDVR for information relating to a customer of IDVR must immediately be referred to the Chief of Field Services who will subsequently refer the document to the Deputy Attorney General assigned to the Agency to determine how the agency will respond to the subpoena.

### ***3.7 Social Security Information***

Confidentiality of SSA information is covered under Section 11.06 of the Social Security Act and may be disclosed only as prescribed by regulations. The Act permits disclosure of all information about a claimant to State VR agencies. State VR agencies routinely obtain information, including entitlement and medical information, from SSA records. Medical information may be obtained without the claimant's consent; however, State VR agencies may not permit access to such information, release it further (this includes other state agencies), or testify concerning it for any other purpose than the rehabilitation of the Social Security Disability beneficiary claimant. To obtain information from Disability Determination Services, a release form must be used.

## **SECTION 4.0 APPEALS PROCESS**

The IDVR counselor shall notify and provide written information to all applicants and eligible customers regarding:

- A. Their right to appeal determinations made by IDVR personnel, which affect the provision of rehabilitation services;
- B. Their right to request mediation;
- C. The names and addresses IDVR personnel to whom requests for mediation or appeals may be filed;
- D. The manner in which a mediator or hearing officer may be selected;
- E. Availability of assistance from the Client Assistance Program (CAP).
- F. If the Agency is following an Order of Selection, it shall inform all eligible customers of the priority they are in.

Timing of such notification shall be provided by the IDVR counselor:

- A. At the time a customer applies for rehabilitation services;
- B. At the time of the Individualized Plan for Employment (IPE) is developed;
- C. At the time the customer is assigned to a category in the State's Order of Selection, if applicable; and
- D. Upon reduction, suspension, or cessation of approved rehabilitation services for the customer.

*Whenever possible, IDVR will attempt to resolve conflicts informally or through the Dispute Resolution process. IDVR will not pay for a customer's legal services.*

IDVR shall make disability related accommodations to assist customers in the conduct of the appeals process.

#### ***4.1 Continuation of Services Pending Completion of the Appeal Process***

Pending a final determination of an Informal Review or Fair Hearing or participation in Mediation, IDVR may not suspend, reduce, or terminate approved services being provided under an IPE, unless the services were obtained through misrepresentation, fraud or collusion or the customer or authorized representative, requests suspension, reduction, or termination of services.

#### ***4.2 Client Assistance Program (CAP) and Supervisory Review***

The CAP and supervisory review are encouraged as a means to resolve dissatisfaction. These options are in keeping with the IDVR policy to resolve a customer's dissatisfaction at the earliest possible time.

#### ***4.3 Dispute Resolution Process***

**4.3.1** The Informal Review process is an option available to the customer as a proven means likely to result in a timely resolution of disagreements. A customer must request an Informal Review within twenty-one (21) calendar days of the agency notice regarding IDVR's decision to provide or deny services that are in question. The request must be in writing to the Regional Manager. The request must describe the complaint.

In holding an Informal Review, the Regional Manager will function as the Review Officer. At the customer's request another Regional Manager may be substituted. The reviewer will be responsible for:

- A. Advising the customer of his/her right to have a representative present and encouraging the customer to use the services of CAP.
- B. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing. Unless an extension is agreed to by both parties.

- C. When the customer makes a documented effort to utilize CAP or another selected advocate to resolve his/her dissatisfaction, the time allowed for conducting an Informal Review will be extended accordingly.
- D. Holding the review at a time and place convenient to the customer, generally at the local IDVR branch office.
- E. Providing communication methods for those customers who have a sensory impairment. An interpreter will be provided for those customers who cannot communicate in English.
- F. If needed, assure that the customer is provided transportation to and from the review site.
- G. The Informal Review Officer (Regional Manager) will attempt to resolve the matter to the satisfaction of the customer, developing a written proposal with the customer at the conclusion of the appeal process. The results are binding for the agency unless the proposal is not permitted by law. The customer may reject the proposal and request a Fair-Hearing within ten (10) calendar days of the Informal Review proposal or sixty (60) calendar days of the original IDVR decision, whichever one comes later.

#### ***4.4 Mediation***

**4.4.1** Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the Formal Appeals Process.

- A. A customer must request Mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the Informal Review. Mediation is available to a customer when an Informal Review has not resolved the dispute to the satisfaction of the customer.
- B. Requests for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the decision or results of the Informal Review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in the Agency action that created the customer's dissatisfaction.
- C. Participation in the mediation process is voluntary on the part of the customer and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.
- D. Mediation is not used to deny or delay the customer's right to pursue a Fair Hearing. Should the customer and/or designated representatives select mediation in lieu of a Fair Hearing the option for the Fair Hearing will be extended to allow

the results of the mediation to be established. After the final results of the mediation are determined, the customer retains the right to request a Fair Hearing.

- E. Mediation is conducted by qualified and impartial mediators, who are selected randomly from a list of mediators maintained by the IDVR.
- F. Mediation discussions are confidential and may not be used as evidence in a subsequent Fair Hearing. A confidentiality agreement will be signed by both parties at the beginning of the mediation process.
- G. The mediator will develop a written Mediation Agreement, if an agreement between the parties is reached, it must be signed by the customer, the mediator, and IDVR.
- H. Cost of mediation is paid by IDVR. IDVR is not required to pay for any cost related to the representation of a customer.

#### ***4.5 Fair Hearing Process***

The Fair Hearing Process is an option available to any customer who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. A customer may request a Fair Hearing immediately without having to go through the other appeal steps.

A customer may request, or if appropriate, may request through the customer's representative, a timely review of the determination. Such a request must be made within sixty (60) days of the IDVR decision resulting in the initial disagreement or within ten (10) calendar days of the conclusion of the Informal Review or ten (10) calendar days of the conclusion of the Mediation Process whichever is later. The Fair Hearing Process shall include a Fair Hearing by a Fair Hearing Officer (FHO).

- 4.5.1** A Formal Hearing is a procedure whereby a customer who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the Informal Review or Mediation may seek a determination of the agency action before a Fair Hearing Officer.
- 4.5.2** A request for a Fair Hearing must be sent in writing to the Chief of Field Services and clearly state the customer's dissatisfaction with the Agency's decision.
- 4.5.3** The hearing shall be conducted within sixty (60) calendar days of receipt of the customer's request for review, unless informal resolution is achieved prior to the 60<sup>th</sup> day, or both parties agree to a specific extension of time.
- 4.5.4** A list of Fair Hearing Officers shall be identified jointly by the Administrator of IDVR and the State Rehabilitation Council.
- 4.5.5** The Fair Hearing Officer will be selected from the list by the Administrator of IDVR and the customer.

**4.5.6** The Fair Hearing Officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.

**4.5.7** The decision of the Fair Hearing Officer shall be considered final by the agency.

**4.5.8** Any party who disagrees with the findings and decisions of a Fair Hearing Officer shall have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

## **SECTION 5.0 APPLICATION AND ELIGIBILITY DETERMINATION**

- A. People with disabilities can achieve competitive, high quality employment in an integrated setting and can live full productive lives.
- B. People with disabilities often experience major barriers related to the low expectations of and misunderstandings toward, people with disabilities that exists within society, within the persons with disabilities themselves, and sometimes, within our own rehabilitation system.
- C. People with disabilities should have responsibility and accountability to make their own choices about their lives; the kind of employment they want to pursue, who they want to provide services for them, as well as the kind of services they need.
- D. The primary purpose and role of the public vocational rehabilitation system is to empower individuals with disabilities by providing them with information, education, training, and confidence, in order that they will make effective employment choices when appropriately informed. It is also the purpose of the public vocational rehabilitation system to support those choices when they are based upon reasonable and verifiable premises.
- E. The most effective rehabilitation occurs when there are true partnerships between the Federal and State partners, State agency providers, community providers and employers, the disability community, all other partners, and the consumer.

The ultimate goal is to provide eligible customers with the skills, tools and information to aid in their vocational discovery process and to initiate informed choices when creating their Individual Plan for Employment (IPE) with the VR counselor.

### ***5.1 Inquiry***

IDVR will respond to all general inquiries for VR services received via telephone, mail or electronic format within seven (7) business days.

## ***5.2 Referral***

A completed Referral form for VR services from customers available to participate in services that are made via mail or electronic format will be entered into the case management system as an open referral within three (3) business days. IDVR staff will make a minimum of three (3) attempts to contact the customer before the referral is closed. The first attempt will include a phone call or e-mail. If unable to make contact, a letter will be sent to confirm IDVR has received the inquiry and will include the VR office phone number. If the customer does not respond to the first letter, a second letter will be sent stating that IDVR has been unable to contact the customer and that the referral for services will be closed. Attempts to reach the customer and those results will be documented in the case management system.

## ***5.3 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services***

An application process is complete when the following three criteria are met:

1. IDVR receives a signed and dated application signature sheet from a customer or his/her representative, or an alternate request for application is made to an IDVR office;

And

2. The customer provides the information needed to begin an assessment of eligibility. Information gathered in the intake interview meets this criterion;

And

3. The customer is available and free of restrictions to complete the assessment process for determining eligibility for VR services.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

Applicants must be available and participate in the eligibility determination process.

IDVR must, as part of the application process, inform applicants that the goal of the VR services is to assist eligible customers to obtain or maintain employment and that services provided are toward this goal. Customers must also be informed of their rights and responsibilities.

The 60-day eligibility determination period begins when the application process is complete.

### **5.3.1 Orientation to Vocational Rehabilitation**

IDVR is obligated to provide all customers with information about the following:

1. The Client Assistance Program (CAP);
2. Confidentiality;
3. VR services;
4. Informed choice;
5. The rehabilitation process;

6. That customers who receive VR services must intend to achieve an employment outcome;
7. The rights and responsibilities of the customer; and
8. The VR appeals process.

This information may be conveyed to customers through group orientations, in a one-on-one interview setting or over the telephone by IDVR staff.

### **5.3.2 Intake Interview**

The intake interview is part of the application process and is the beginning of the assessment process to determine eligibility and potential services to be included on the Individualized Plan for Employment (IPE). Medical, psychological, social, vocational, educational, cultural and economic information is gathered to determine the unique strengths, abilities, and interests of the customer.

Prior to the end of the intake interview, the IDVR staff member should identify the actions needed by both IDVR and the customer. This could include:

1. Appointment(s) scheduled
2. Releases of Information obtained
3. Authorizations to be issued
4. Referral letters
5. Next scheduled meeting
6. Existing information the customer agrees to provide VR staff

### **5.4 Assessment for Determining Eligibility**

Any customer who applies for services shall undergo an assessment for determining eligibility and the priority for services, the results of which shall be shared with the customer.

The assessment will be conducted in the most integrated setting possible and consistent with the needs and informed choice of the customer.

Eligibility for IDVR services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services (All three components of an application received) unless the following occurs:

- A. The customer is notified that exceptional and unforeseen circumstances beyond control of IDVR preclude the counselor from completing the determination within the prescribed time frame and customer agrees that an extension of time is warranted;

OR

- B. A trial work experience including an exploration of the customer's abilities, capabilities, and capacity to perform in work situations is carried out;

OR

- C. An extended evaluation is necessary.



## 5.5 Eligibility Criteria

A customer is eligible for Vocational Rehabilitation if the following criteria are met:

- A. A determination by qualified personnel that the customer has a physical or mental impairment;
- B. A determination by a qualified vocational rehabilitation counselor that the customer's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant;
- C. A determination by a qualified vocational rehabilitation counselor employed by IDVR that the customer requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice;
- D. A presumption by a qualified vocational rehabilitation counselor that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**NOTE:** *The customer can benefit in terms of an employment outcome from vocational rehabilitation services unless the counselor demonstrates on the basis of clear and convincing evidence, and only after an exploration of the customer's abilities, capabilities, and capacity to perform in work situations or an extended evaluation is carried out, that such customer is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.*

### 5.5.1 Qualified Personnel

IDVR has established a policy for "qualified personnel" for the purpose of disability determination. Under the Rehabilitation Act, the assessment for determining eligibility must be made by "qualified personnel" including, if appropriate, personnel skilled in rehabilitation technology (Section 103 (a)(1) of the Act). In addition, diagnosis and treatment for mental and emotional disorders must be provided by "qualified personnel who meet State licensure laws" (Section 103 (a)(6)(F) of the Act).

Qualified personnel are those who meet existing licensure, certification, or registration requirements applicable to the profession, this includes VR Counselors who meet IDVR's CSPD policy.

The determination of the existence of impairment should be supported by medical and/or psychological documentation. Medical/psychological disabilities shall be diagnosed by qualified personnel who demonstrate the possession of requisite State licensure, certification, or registration of requirements applicable to the practice of their profession within the state of Idaho.

The following occupations have been licensed in Idaho to provide general medical diagnoses. *The VR Counselor can utilize general medical diagnoses established by these medical professionals:*

- Medical Physician or Doctor of Osteopathy
- Nurse Practitioner (works under own licensure)
- Physician's Assistant (works under a "Delegation of Services Agreement" with a physician providing oversight)

The following occupations have been licensed in Idaho to provide specific medical diagnoses within the specialized areas of competency for which the specific licensure has been determined. *It is critical that the VR Counselor take special precaution to ensure that when utilizing medical diagnoses from one of the medical professions listed below that only those areas of expertise for which the particular professional has been credentialed are documented within the eligibility determination module.*

- Licensed Psychologist
- Chiropractor
- Naturopath
- Podiatrist
- Optometrist
- Physical Therapist
- Dentist/Orthodontist
- Advanced Certified Alcohol and Drug Counselor (ACADC) / Certified Alcohol and Drug Counselor (CADC) (restricted to identifying alcohol and drug impairment related to specific testing outcome)
- School Psychologist (limited to diagnosing eligibility for school related special needs services)
- Licensed Audiologist (restricted to diagnosing hearing impairments specifically related to audiological testing results when medical conditions have been ruled out)

For further clarification, you may access [www.ibol.idaho.gov](http://www.ibol.idaho.gov) and connect to "The Individual Board Pages" to determine the full extent of the professional latitude allocated to the medical occupations that are licensed to provide specialized services within narrowly defined parameters of competency. The State Board of Medicine maintains jurisdiction over the authority and conduct of medical doctors.

Private Licensing/certifying boards outside the Federal/State purview cannot be utilized as a basis for VR diagnostic purposes.

### **5.5.2 Social Security Presumption**

Any applicant, who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, is presumed to meet the eligibility requirements for vocational rehabilitation services and is considered a customer with a significant disability.

Following an application and initial interview where a customer reports receiving SSI or SSDI, the counselor will obtain verification of receipt of SSI/SSDI, such as an award letter, a copy of the customer's check, or a verification document through the Social Security Entry and

Verification System (SVES). Upon verification, the customer is made eligible for vocational rehabilitation with a Presumption of Eligibility statement in the record of services.

NOTE: If the applicant presents sufficient medical documentation to determine eligibility at the first meeting, verification will still be procured but eligibility can be determined immediately without designating presumptive status.

The assessment for determining rehabilitation needs will continue, as needed, to obtain information necessary to determine the Individual Plan for Employment. This assessment will include: gathering existing records to determine the customer's impairment, impediment and nature and scope of the VR services necessary to obtain an employment outcome consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

When the assessment adequately documents the impairment(s), employment impediment(s) and required service(s) needed, the qualified VR counselors completes an Eligibility Determination in the Agency's computerized data system.

If a customer receives disability benefits under Title II or Title XVI of the Social Security Act and intends to work, IDVR presumes eligibility for services, unless, because of the significance of the customer's disability, a VR counselor cannot presume that VR services will enable the customer to work (based on clear and convincing evidence).

Should the significance of the disability prevent a VR counselor from presuming that VR services will enable the customer to work, the customer will be asked to complete a trial work experience in order for the counselor to make an eligibility determination.

If the customer cannot take advantage of a trial work experience, an extended evaluation must be conducted in order to make the decision of eligibility.

### ***5.6 Review and assessment of data for eligibility determination***

The eligibility determination shall be based on the review and assessment of existing data, including: counselor observations, education records, and information provided by the customer or family, particularly information used by education officials and determinations made by officials or other agencies. Current medical records will be utilized to determine the nature and extent of the disability as well as for justification for the procurement of additional medical data when required to identify/verify alleged medical restrictions.

To the extent that existing data does not describe the current functioning of the customer, IDVR will conduct an assessment of additional data resulting from the provision of VR services including: trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether a customer is eligible.

**5.6.1 Eligibility/Ineligibility:** For each customer determined eligible or ineligible for vocational rehabilitation services, the record of services must include a dated Determination completed by a qualified vocational rehabilitation counselor. Written notification of an ineligibility determination will be provided to the customer.

An ineligibility notification must include the reason for the determination, rights and responsibilities, and Client Assistance Program (CAP) information. A customer should be referred to the local Department of Labor to address the customer's training or employment needs or to the Extended Employment Services Program (Work Services / Sheltered Workshops) if the ineligibility is "Too Severely Disabled."

Ineligibility decisions based upon the severity of disability must outline clear and convincing evidence and require a period of trial work experiences or extended evaluation prior to closure. (See Closure, Section 13)

It is federally mandated that IDVR review the closure outcome of "too severely disabled" within 12 months of closure and annually thereafter, if requested. (See Section 13)

**5.6.2 Trial Work Experiences (TWE) for customers with significant disabilities:** Prior to any determination that a customer with a disability is incapable of benefiting from VR services in terms of an employment outcome because of the severity of that customer's disability, an exploration of that customer's abilities, capabilities, and the capacity to perform in realistic work situations must be conducted to determine whether or not there is clear and convincing evidence to support such a determination.

In such cases a written plan must be developed to assess and determine the above. The assessment must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the customer. TWE include: supported employment, situational assessment, and other experiences using realistic work settings and must be a sufficient variety and over a sufficient period of time to make such determination. Appropriate supports, including assistive technology devices and services and personal assistance services to accommodate the rehabilitation needs of the customer must be provided.

Trial Work Experience is used to demonstrate whether the customer is capable of benefiting from VR services. Trial Work Experience will be conducted before Presumptive Eligibility is completed if there is a question regarding capacity to benefit.

TWEs may include: Community Based Work Evaluation (CBWE), job coaching, on-the-job training, supported employment or other experiences using realistic work settings, as well as assistive technology and other needed services.

Review the TWE Plan at least every 90 days to determine if there is sufficient evidence to conclude that the customer can benefit from VR Services in terms of an employment outcome or there is clear and convincing evidence that the customer is incapable of benefiting from VR Services in terms of an employment outcome due to the severity of the disability.

Make the determination for eligibility or case closure within the 18-month time frame.

**5.6.3 Extended Evaluation:** Under limited circumstances if a customer cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted, an Extended Evaluation (EE) must be conducted to make these determinations.

In all cases where the counselor determines that an extended evaluation is required, the case record must include a Determination of Extended Evaluation completed by a qualified VR counselor, which documents:

- A. That the customer has a physical or mental impairment which constitutes or results in a substantial impediment to employment and requires VR services, and
- B. That it is questionable if the customer is capable of benefiting from VR services in terms of an employment outcome because of the severity of the disability.

During the extended evaluation period, VR services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the customer. There must be a written Extended Evaluation Plan for providing services necessary to make an eligibility or ineligibility determination. Only those services that are necessary to make the above determinations are to be provided and extended evaluation services are terminated when the qualified vocational rehabilitation counselor is able to make the determinations.

A customer will remain in extended evaluations only for the period of time required to determine if the customer can benefit from VR services in terms of an employment outcome but not to exceed eighteen (18) months. A review of the case shall be conducted as often as necessary but at least every ninety (90) days. Written documentation will be provided of determination.

## **SECTION 6.0 THE DETERMINATION OF SIGNIFICANCE OF DISABILITY**

### ***6.1 Policy***

At the time a customer is determined eligible for VR services, a VR counselor will determine the significance of the disability and, based upon the determination, will assign the customer to a priority category. If the agency is not under an Order of Selection, the prioritization will be used (1) for planning purposes to ascertain services that can continue to be provided to all who are eligible and (2) to provide a structure for an easy transition to an Order of Selection if required. If the Agency is under an Order of Selection (see section 14), the priority categories are used to determine the order in which customers receive services.

### ***6.2 Definitions***

#### **Priority Categories:**

- A. No Significant Disability (NSD)

B. Significant Disability (SD)

C. Most Significant Disability (MSD)

**No Significant Disability (NSD)**

- a. Who has a physical or mental impairment;
- b. Whose impairment constitutes or results in a substantial impediment to employment; and
- c. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**Significant Disability (SD)**

- a. Meets the criteria for a customer with no significant-disability;
- b. Experiences a severe physical and/or mental impairment that seriously limits two or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

**Most Significant Disability (MSD)**

- a. Meets the criteria established for a customer with a significant disability;
- b. Experiences a severe physical and/or mental impairment that seriously limits three or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

**Note:** Customers who are beneficiaries of Social Security Disability Insurance (SSDI) or recipients of Supplemental Security Income (SSI) for disability reasons are automatically classified as either SD or MSD depending upon the extent of their functional loss category limitations.

**Order of Selection (OOS):** When VR services cannot be provided to all eligible customers because of financial or service capacity constraints, the Agency will enter an Order of Selection process that will assure that first priority is giving to customers with most significant disabilities. *Please review Section 14.0 for details regarding Order of Selection.*

## **6.3 Procedures**

### **Determination of Significance of Disability**

A VR counselor determines and adequately documents the level of severity of a customer's disability based on a review of the information gathered to determine eligibility. If additional information is necessary to make the determination, a VR counselor may obtain the information from the customer, customer's family, an outside professional and/or another public agency.

If adequate information is not available to describe or document current functioning, a VR counselor may purchase diagnostics from a qualified service provider.

A VR counselor reviews the data to determine:

- A. The number of functional capacity categories in terms of an employment outcome that are seriously impacted as a result of a disability;

AND

- B. Whether a customer is likely to need multiple primary IPE services to prepare for, obtain, or maintain a job;

AND

- C. The anticipated duration of IPE services are needed for an extended period of time (at least 6 months).

### **Identifying a Serious Loss of Functional Capacity**

Functional capacity categories include: mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, and work skills. To identify a loss of functional capacity, a VR counselor reviews and assesses data provided by the customer or customer's family, observed by the VR counselor, or reported by another qualified professional to determine whether:

- A. A loss of functional capacity resulting from a disability is present;

AND

- B. The loss of functional capacity represents an impediment to employment;

AND

- C. The loss of functional capacity meets the definition of "serious loss of functional capacity."

A serious loss of functional capacity means a reduction in capacity of the customer to the degree that the person requires services or accommodations not typically provided to other customers in order to prepare for, secure, or maintain a job.

A specific disability diagnosis does not automatically infer a serious loss of functional capacity. Although certain functional losses are commonly associated with specific disability diagnoses, the presence and seriousness of the loss is unique for each person. Therefore, a VR counselor must complete a thorough evaluation of loss of functional capacity for each customer.

Non-disability factors such as age, sex, race, cultural, geographic location, poor public transportation, legal history, or lack of training should not be considered when determining loss of functional capacity. It is within the VR counselor's judgment to determine whether limitations are disability related or not.

### **Self-Reported or Observed Loss of Functional Capacity**

A VR counselor may identify a loss of functional capacity based on a customer's self-report, reports from the family, school representative or others, or based on counselor observations.

For example, while interviewing an applicant who is hard of hearing, a VR counselor observes that the applicant is not able to effectively communicate verbally. Medical records clearly establish a hearing impairment, but do not address verbal limitations. Because a loss of functional capacity in verbal communication is consistent with and commonly associated with hearing loss, the VR counselor may determine, based on his or her observations, that a serious loss of functional capacity is present. To ensure the case service record explains and supports the determination, the VR counselor enters case narrative explaining that a loss in the area of communication was observed, a summary of the observations, and how the loss of functional capacity affects the customer.

### **SD/MSD Checklist**

Once the VR counselor determines a disability-related loss of functional capacity, the VR counselor considers whether the loss of functional capacity meets the definition of a "serious loss of functional capacity" contained in the SD/MSD Checklist loss of functional capacity definitions. If the loss of functional capacity meets the definitions of a "serious loss of functional capacity" the VR counselor checks the appropriate indicator on the Checklist.

The VR counselor completes the SD/MSD Checklist for each customer as soon as sufficient information is available, but no later than sixty (60) days from the date of application (unless an extension has been agreed upon).

## **SECTION 7.0 ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS**

### ***7.1 Primary Source of Information***

To the extent possible, the vocational goal, intermediate objectives, and the nature and scope of services to be included in the Individual Plan of Employment (IPE) must be determined based on the data used for the assessment of eligibility and priority for services.



The Comprehensive Assessment to be completed prior to the development of the IPE will use, as a primary source of information, to the maximum extent possible, the following:

- A. Existing information
- B. Information provided by the customer and, where appropriate, by the family of the customer.
- C. The Assessment may also include new information acquired by IDVR including an in-house vocational evaluation; Community Based Work Evaluation (CBWE), aptitude tests, interest tests, job shadowing or any pertinent assessment required to identify the objectives, nature and scope of VR services that the customer may need in order to substantiate the choice of employment outcome.

## ***7.2 Comprehensive Assessment of Rehabilitation Needs***

A comprehensive assessment of rehabilitation needs is a process utilized to identify the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as it relates to any potential vocational goal. The assessment shall be conducted in the most integrated setting possible, consistent with the informed choice of the customer.

### **7.2.1 Assessment of the Customer's Current Realities**

The VR counselor and customer will evaluate the following relevant factors.

#### **Work History:**

The VR counselor is required to obtain a thorough work history of the customer at the time of the intake interview. The gathering of this information requires the identification of job titles, job duties/responsibilities, and length of time in each position, hiring/educational requirements, and the reasons for leaving. Some attempt should be made to assess the customer's satisfaction with the job, the employer, and co-workers.

#### **Functional Limitations:**

Functional limitations need to be clearly outlined before the customer begins the development of a vocational goal. The establishment of an appropriate vocational goal requires that both the VR counselor and customer are aware of and address the true barriers to employment including the customer's perception of their limitations. This involves addressing the following areas:

- A. Physical limitations (lifting, walking, carrying, driving, stooping, reaching, handling, and bending)
- B. Mental limitations (coping with stress, working with other people, working alone)
- C. Current work tolerance
- D. Acceptance of disability

- E. Cognitive functioning

### **Personal Social & Economic Factors:**

It is important for the VR counselor and customer to gather, document, and understand personal social and economic considerations. These considerations include:

- A. Values (personal and work)
- B. Family
- C. Service or support agencies
- D. Legal
- E. Financial (current realities and future expectations)
- F. Substance Use
- G. Non-financial resources / supports available

It is critical to understand the personal, social and economic factors as it relates to the development of the employment goal and the IPE.

### **Aptitudes/Transferable Skills:**

To determine an appropriate employment goal the VR counselor and customer must identify the aptitudes, skills, and ability that the customer possesses. The following skill areas are to be addressed:

- A. Personal
  - Self-management
  - Self-care
  - Personality characteristics
- B. Functional skills – A person's level of skill working with data, people, and things.
- C. Specific work skills – competencies in specific work task areas.

Many tools exist to assist the customer and the VR counselor to identify aptitudes and transferable skills.

### **7.2.2 Identification of potential employment goal, rehabilitation needs, and IPE services**

The VR counselor and customer will evaluate a potential employment goal and identify rehabilitation needs and services required to achieve that employment goal.

## **Vocational Assessment:**

Vocational assessment is a comprehensive process involving the VR counselor and the customer that focuses on functional abilities and will incorporate medical, psychological, social, vocational, educational, cultural, economic data, and real or simulated work. This is done to identify the employment goal, its overall feasibility, and the VR services that are needed to achieve that goal. Examples of vocational assessment include:

- A. Formal Vocational Evaluation
- B. Community Based Assessment
- C. Guidance & Counseling – Facilitated Self-Discovery
- D. Labor Market Research
- E. Assistive Technology Review

## ***7.3 IPE Development:***

Through the comprehensive assessment the customer has made an informed choice of his/her vocational goal. For the vocational goal to be implemented, the VR counselor must concur that the vocational goal is feasible. The VR counselor will then assist in identifying the IPE services needed to remove barriers to employment. The VR counselor is required to address all previously identified disability related barriers to employment. These services include but are not limited to:

- A. Counseling and Guidance
- B. Training
- C. Medical and mental restoration
- D. Disability adjustment training
- E. Information and referral services
- F. Interpreter services
- G. Job placement assistance
- H. Job readiness training
- I. Job search assistance
- J. Maintenance
- K. On-the-job supports
- L. On-the-job training
- M. Other services
- N. Personal attendant services
- O. Reader services
- P. Rehabilitation technology
- Q. Technical assistance services
- R. Transportation services

Vocational rehabilitation services are any services described in an IPE necessary to assist a customer with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customer.

The following are essential components that need to be addressed and documented as part of the comprehensive assessment:

- Compatibility of Disability with Employment
- Skills, Interests, Aptitudes, and Abilities
- Market Analysis
- Economic Expectations and Potential for Career Growth
- Vocational Strengths and Capacities
- Customer Financial Issues
- Informed Customer Choice
- Social Support
- Training and Academic Test Results
- Rehabilitation Technology needs
- Legal barriers and industry specific requirement (criminal issues, drug and alcohol screenings, tobacco use, etc)

#### ***7.4 Medical Consultation Policy***

Medical consultants are retained by IDVR. Medical consultants can be used to review a customer's diagnostic information to determine; 1) if it is complete or if updated and/or additional medical reports are necessary; 2) to train the counselor about medical conditions; and 3) to assist in case management direction.

Examples of times to use a medical consultant are:

- A. Eligibility determination
- B. Plan development
- C. Prior to medical restoration services
- D. Whenever a VR staff member has a question about a customer's treatment, medications, or condition including such issues as the natural course of the disease or treatment options.

When presenting a case file to the medical consultant, be prepared to:

1. Present specific questions to the medical consultant; and
2. Speak knowledgeably about the customer.

Some examples of things a VR staff member may consider prior to medical consultation:

- A. File medical information in chronological order with most recent on top
- B. Highlight or tab important information
- C. Eliminate duplicate data
- D. List questions for the medical consultant

## **SECTION 8.0 PARTICIPATION OF CUSTOMERS IN COST OF SERVICES BASED ON FINANCIAL NEED**

In order to further IDVR's mission to help customers move towards independence and self-sufficiency, IDVR encourages customers to be personally invested in and contribute financially towards the cost of their plan when possible. The extent of the customer's financial participation is based on income and other factors. Regardless of the amount that is going to be contributed by the customer, the assessment of the customer's financial participation is an effective tool for identifying customer resources as they relate to VR planning and implementation.

Reminder: Financial need and/or participation is not a factor in the eligibility determination.

### **Financial Participation**

When financial participation is assessed:

1. After eligibility, during plan development, while exploring comparable benefits.
2. Using the Financial Participation Assessment (FPA) form.
3. Every twelve (12) months or sooner if financial circumstances change significantly.

### **Financial Participation Assessment Guidelines**

A Financial Participation Assessment will be applied as a condition for furnishing all vocational rehabilitation services EXCEPT the following: (34 CFR 361.54(b)(3))

1. Purchased services for determining eligibility and vocational rehabilitation needs;
2. Counseling, guidance and referral services;
3. Any auxiliary aid or services (e.g., interpreter services or reader services);
4. Personal Assistance Service;
5. Job related services; including: job search and placement assistance, job retention services, follow-up services, and follow-along services, i.e., Community Based Work Adjustment, Job Site Development (CBWAJSD), Community Based Work Adjustment (CBWA), Placement and Follow Along Job Site Development (P&FJSD), and Placement and Follow Along (P&F).
6. Supported employment services, i.e., Community Supported Employment Job Site Development (CSEJSD), and CSE Job Coaching.

### **Customer Financial Participation for IPE Services**

Upon completion of the FPA and the determination of services to be included on the IPE the counselor and customer will identify the specific IPE services that will be paid for by each party.

The FPA will be used to identify financial responsibility for IPE services.

It should be emphasized to the customer and vendor, IDVR will not be responsible for the customer's debts. If the customer's debts to a vendor inhibit the provision of services necessary to achieve the employment goal, IDVR will work with the customer to explore options for the continuation of services.

IDVR cannot, under any circumstances, pay for a customer's previous financial obligations or debts.

### **Financial Participation Assessment (FPA) Form**

The VRC and customer will complete the FPA form in eligible status and identify the customer's financial participation responsibilities.

Estimate the cost for rehabilitation services each twelve (12) month period of the IPE. Calculate the amounts of participation to be provided by both the customer and IDVR for each twelve (12) month time period covered by the FPA.

### **Directions for Completion:**

#### **1. Exemption from required participation:**

Customers who receive SSDI and/or SSI are not required to make a financial contribution toward the cost of services. However, to ensure a customer qualifies for this exemption, written proof of SSDI or SSI determination must be received. This information will be used in completing the FPA form exemption status for SSDI and/or SSI recipients. *It should be noted that customers receiving Social Security benefits under retirement, spouse of retired worker, child of a retired worker, child of deceased worker, widow, parent of deceased worker, spouse of disabled worker, or child of disabled worker would not be eligible for this exemption.* The VR Counselor must complete the top portion of the FPA certifying that the customer is exempt from any required financial participation. The VR Counselor will also make a note in the IPE and subsequent plan amendments that may be developed, in the appropriate section, outlining the customer's exemption.

#### **2. Income Data:**

Customers (and spouse's if married) sources of income verification may include:

- Most recent year IRS tax filings,
- Employment Security Wage or Unemployment Benefit Reports,
- Employer generated pay stubs,
- Retirement program documents, or
- Documentation from public or private income support programs.  
(TANF and food stamps are examples that are not considered income)

##### **a. Modification**

The customer or their representative may request modification to the FPA, as needed to adjust for changes in income or other circumstances (e.g., disability related costs and number of family members). If modification is

requested, the customer, parent or guardian must provide income verification from the sources listed above.

b. Exceptional Cases

In exceptional cases, circumstances may occur where rigid adherence to the Financial Participation Policy and Procedures could seriously jeopardize the customer's opportunity to achieve rehabilitation objectives and an employment outcome. In such cases, the VRC may elect to seek an exception to the policy by reviewing the case with the Regional Manager who will then seek an exception approval by the Chief of Field Services or designee who will render a decision within ten (10) business days.

c. Total Income Excluded:

This figure is the Income Exclusion Allowance (300% of the Federal Poverty Level) plus exclusion of disability related expenses, per the Code of Federal Regulations – Title 34: Education: 361.54(2)(iv)(B).

For the purposes of this policy, the Social Security Administration's use of impairment-related work expenses will serve as a guideline to disability related expenses.

A disability related work expense is an expense for an item or service, which is directly related to enabling an impaired customer to work, and which is necessarily incurred by that customer because of a physical or mental impairment. To qualify as a disability related work expense, the expense must be paid by the customer. Expenses paid by sources such as health insurance, vocational rehabilitation and the employer are not considered a disability related work expense for the customer with the impairment.

Examples include, but are not limited to:

- The cost of attendant care services rendered in the work setting or in assisting the customer in making the trip to and from work (attendant care rendered on non-work days or those performed at any time which involve shopping or general homemaking are not considered a disability related work expense. Additionally, attendant services performed for other family members such as babysitting, are not considered a disability related work expense).
- Durable medical equipment which can withstand repeated use, used to serve a medical purpose, and generally not useful to a person in the absence of an illness or injury, such as wheelchairs, hemodialysis equipment, respirators, pacemakers, traction equipment.
- The cost of the modification of vehicle (but not the cost of the vehicle) in order to drive or be driven to work, where the modification is critical to the vehicle's operation or its

accommodation of the customer. The modification must be directly related to the impairment (without the modification the customer would either be unable to drive or would be unable to ride in the vehicle).

- Expenses paid by a person with blindness in owning a guide dog including the costs of purchasing a dog, food, licenses and veterinary services.
- Prosthetic devices that replace internal body organs or external body parts (a prosthetic device primarily for cosmetic purposes usually is not considered a disability related work expense).
- The cost of drugs and medical services necessary to control the disabling condition, thereby enabling the customer to work (drugs and medical services used for minor physical or mental problems not resulting in any significant loss of function such as, yearly routine physical examinations, dental examinations and optician services and eyeglasses, when unrelated to a disabling visual impairment, are not considered a disability related work expense).
- Work equipment and assistants that are required to accommodate the impairment and perform the job such as, a one-handed typewriter, telecommunications device and a job coach paid for by the customer.

#### Applicable Income:

This section enables IDVR to specify the extent of the expected customer cost responsibility toward the cost of services during the upcoming twelve (12) month period of expected plan expenditures. Applicable Income equals Income minus the Total Income excluded and Disability Related Work Expenses.

The Income Exclusion Allowance information is adjusted annually to reflect 300% of Federal HHS Poverty Guidelines.

#### Determination of Required Participation:

The Customer Participation Table (Table A) is formulated to assess that portion of Applicable Income, which is considered to be available to meet the cost of services. The customer is expected to contribute toward the service cost(s) at the specified percentage of participation level. The amount of financial participation will not exceed the Annual Maximum Percentage of the customer's Applicable Income. All service cost anticipated or purchased during the twelve (12) month period covered by the FPA are to be considered in aggregate rather than individually calculated.



**TABLE A – CUSTOMER PARTICIPATION TABLE**

<u>Yearly Cost of Plan</u>	<u>% of Participation</u>
\$2,000 and Under	50%
Over \$2,000	75%

**Certification:**

The customer, parents or legal guardian completing the form will be asked to verify, by signature, that the information provided is correct. The customer, parents or legal guardian should be advised that he/she will be asked to document the financial information provided from external sources, such as the most recent year IRS tax fillings, Employment Security Wage or Unemployment Benefit Reports, employer generated pay stubs, retirement program documents, or documentation from public or private economic support programs. The form will then be signed by the VR counselor.

**Applying the Financial Participation Assessment Information to Making Purchases:**

If the customer has financial participation requirement, it will be applied to purchases prior to assessing any caps from the purchasing section (Section 12.0).

**SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM**

All purchases must follow Federal, State, and IDVR purchasing guidelines.

Purchases require written authorization (purchase order), prior to initiation of the service or the purchase of any equipment.

The responsibility for authorizing services and approving payment of those services must be assigned to separate employees.

Purchases will be made consistent with the prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.

The Rehabilitation Act of 1973, as amended, and its implementing regulations mandate procedures in the provision of services and methods of procurement. Customers with a disability served through the vocational rehabilitation program must be actively involved in choosing the vocational rehabilitation services they receive and the entities providing those services.

Consistent with procurement guidelines, a VR counselor cannot obligate Idaho Division of Vocational Rehabilitation (IDVR) to services that exceed his/her procurement authority. An Individual Plan for Employment (IPE) that will include a service generating an Authorization for Case Service (ACS) over \$5,000 will require the Regional Manager's written approval of the IPE prior to the plan being approved. The VR counselor will inform the customer that the plan is

pending approval during this process. An ACS purchase cannot be fragmented into multiple ACS's as a way to circumvent this approval.

All purchases in excess of \$5,000 shall be reviewed and recommended by the Regional Manager.

**NOTE:** *Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Oral authorizations are permitted in emergency situations by the Regional Manager or designee, but must be confirmed promptly in writing and forwarded to the provider. These authorizations are to be issued within three (3) business days of the beginning of the service.*

**The following principles shall guide customer purchases:**

- A. The IPE is the primary document that determines the scope, duration and provider of services. The customer with a disability must agree to the terms and conditions of the IPE prior to services being provided.
- B. VR counselors are required to determine the rehabilitation needs of the customer first, and then determine the provider and the procurement method. Costs, availability, success, experience providing the service, and customer research, are characteristics that guide the choice of the provider.
- C. The method of procurement is also determined in partnership with the customer. The Agency prefers that a state Authorization for Case Services (ACS) be provided to the selected vendor, with an invoice from the vendor documenting the service provision. Other methods are available, given the informed choice of the customer, including reimbursement.
- D. The provision of services must be consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the customer.
- E. All purchased services that are evaluative and restorative shall be authorized prior to the provision of services. The Agency will reimburse providers of medical services (both medical and psychological) based upon usual and customary fees for their area of specialization or based upon payment caps that have been imposed for specific services (Review Payment Policy – Section 12.2). Providers will be reimbursed at this rate independent of the customer attending the scheduled appointment.
- F. Staff will ensure fair and equitable treatment of all persons doing business with the Division.
- G. Purchases will be made consistent with the elimination and prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.
- H. The responsibility for authorizing services and approving payment of these services must be assigned to separate employees.
- I. The record of service of the customer shall contain necessary evidence and documentation of adherence to these principles.

- J. Regional managers are the Division's field service procurement liaisons and are responsible to ensure that staff have necessary training.

## **SECTION 10.0 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)**

### ***10.1 Options for Developing the IPE***

The eligible customer or, as appropriate, the customer's representative may develop all or part of the IPE:

- A. Without the assistance from Idaho Division of Vocational Rehabilitation (IDVR) or any other entity
- OR
- B. With assistance from:
  - a. A qualified vocational rehabilitation counselor employed by IDVR.
  - b. A qualified vocational rehabilitation counselor who is not employed by IDVR.
  - c. Other resources.

IDVR will not pay for IPE development services from other providers. IPE development must be completed on IDVR forms.

The IPE must be agreed to and signed by the customer or, as appropriate, the customer's representative, the VR counselor and, when required, the IDVR Regional Manager or designee. An IPE is considered approved and services initiated only after all required signatures have been obtained.

A comprehensive assessment must be completed in developing the IPE as described in section 7.2.

Customers must receive the supports that will assist them in making informed choices.

Customers shall promptly receive a copy of their initial IPE and any subsequent IPEs. Copies shall be provided in the native language of the customer or through appropriate modes of communication if appropriate.

The record of services must support the selection of the specific employment outcome, the objectives of the IPE and the selection of providers of services. All goods and services, except assessment services, may only be provided in accordance with IPE.

An IPE can support one of the five following employment outcomes:

1. Competitive employment in the integrated labor market.
2. Self-employment
3. Homemaker
4. Unpaid family worker
5. Integrated employment with supports

IDVR must:

1. Reinforce the ultimate purpose of the IPE: To assist the customer to prepare for, secure, retain, or regain employment.
2. Insure that the customer fully understands that she/he must participate as an active and cooperative partner in the identification and selection, through informed choice, of a vocational goal, having a reasonable expectation for marketable success.
3. Insure that the customer fully commits to participate in the implementation and completion of the IPE.

## ***10.2 Developing the Vocational Goal:***

In selecting a vocational goal, it is important that the customer is actively involved in all phases of this development. Much research has been done to substantiate that the successful outcome of vocational rehabilitation increases when the customer is involved in every phase of the vocational planning. Vocational planning is built around vocational exploration, understanding the customer's medical and work history, his/her perception of disability, social habits, functional limitations, inherent aptitudes and transferable skills, vocational exploration through vocational evaluation, training options, and labor market research. The customer will explore the relationship of vocational objectives around his or her personal capabilities, interest, and situations and then attempt to understand the way these different factors impact and influence vocational potential. This information then helps the customer to develop the steps to a solid rehabilitation plan and provides tools for the customer to assess his/her current state of mind and to encourage positive self-initiated resolutions.

## ***10.3 Ticket to Work***

When a customer has a Ticket to Work through SSA and an approved VR IPE, their ticket is automatically assigned to IDVR, unless the ticket is already assigned to another employment network (EN). If the customer has a ticket assigned to another EN prior to IDVR involvement, the customer will be requested to reassign the ticket to IDVR. If the customer does not reassign their ticket, IDVR will need a copy of the work plan from the EN that the ticket was assigned to, to ensure that no service overlap occurs. It is the customer's responsibility to provide the ticket work plan.

An Agency verification program has been implemented that informs Maximus of all SSA recipients who have been placed into an initial IPE. If a recipient has been assigned a ticket by SSA, Maximus will designate the ticket as "in usage" at the time of notification by the Agency.

The VR counselor should always inform the SSA recipient that the choice to participate in an active IPE program will restrict any option to assign the ticket to other employment networks (ENs) while participating in the VR program.

At closure, the VR counselor is not required to contact Maximus. An Agency verification program has been designed to inform Maximus of case closure. This notification will re-activate the ticket for further engagement if desired by the customer.

At successful closure, it is highly recommended that a VR counselor provide a list of ENs who is capable of initiating follow-along services such as “Phase 2” and or “Monthly Outcome Payment” services. By referring the customer who is earning at Substantial Gainful Activity (SGA) level at closure to an EN, the probability of agency reimbursement at the completion of nine months of employment will be increased significantly.

***10.4 The IPE must include the following:***

- A. Using the information from the Comprehensive Assessment (Section 7.2) the VR counselor and customer must determine a specific employment outcome consistent with the customer’s unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. In concert with the customer, the VR counselor must conduct a thorough market analysis to include job outlook and the customer’s economic expectations and needs. Planned services on the IPE should only entail those required to achieve the vocational goal.
- B. The specific rehabilitation services needed to achieve the employment outcome, along with the projected dates for initiation and anticipated duration of each service, including:
  - a. As appropriate, assistive technology devices, assistive technology services and personal assistance services including training in the management of those services;
  - b. As provided in the most integrated setting that is appropriate for the services and is consistent with the informed choice of the eligible customer;
  - c. Timelines for the achievement of the employment outcome and for the initiation of services;
  - d. A description of the entity or entities chosen by the eligible customer or, as appropriate, the customer’s representative that will provide the vocational rehabilitation services and the methods to procure those services;
  - e. A description of the criteria (“Plan Documentation”) that will be used to evaluate progress toward achievement of the employment outcome;
  - f. The terms and conditions of the IPE, will include information describing the responsibilities of IDVR and the customer to achieve the employment outcome;
  - g. The extent of the customer’s participation in paying for the costs of services;
  - h. The customer is required to apply for and secure comparable services and benefits when available. The responsibilities of other comparable service and benefit entities will be listed on the IPE;
  - i. As necessary, the expected need for post-employment services prior to the point of successful closure (Review Post-Employment – Section 12.14).

- j. A description of the terms, conditions, and duration of the provision of post-employment services;
- k. If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to comparable services or benefits;
- l. Supported Employment – for customers with the most severe disabilities for whom a vocational objective of supported employment has been determined appropriate, the following must be addressed:
  - A description of time-limited services to be provided by IDVR not to exceed eighteen (18) months in duration, unless under special circumstances, the eligible customer and the VR counselor jointly agree to extend the time to achieve the employment outcome;
  - A description of an identified source of funding for the extended services needed (long-term support). If it is not possible to identify the source of such funding, a statement that there is a reasonable expectation that extended services will be available. *Extended services are provided by a State agency, a private non-profit organization, employer, or other appropriate resource, from funds other than IDVR.*
- m. In developing an IPE for a transition student with a disability, the IPE shall be prepared in coordination with the appropriate educational agency and will consider the student's Individual Education Plan (IEP) if one exists;
- n. Completion of the IPE for all School-Work transition customers, *before they exit the school system.*

**NOTE:** *Because of the capability of the Case Management tool, with the ability to clone plans, write new plans, edit features and delete completed services, there will be only **one active plan**, which is the current plan with all current services reflected on it. When the current plan is signed and approved by the customer and approving authority (counselor or supervisor) all previous plans will become void.*

#### **10.4.1 Implementation of the IPE**

The VR counselor should ensure that the IPE is developed and implemented in a timely manner, within four (4) months of the eligibility decision. *An exception may be made and must be documented in case note on or before the plan due date if this timeframe will be exceeded due to the needs of the customer.* Documentation should include customer readiness to implement the IPE (i.e. legal, family, medical, transportation, and housing issues) and the anticipated time frame for resolution of factors delaying IPE implementation.

## 10.5 Annual Review

The IPE must be reviewed annually by a qualified VR counselor and the customer to assess the eligible customer's progress in achieving the identified employment outcome. An approved plan amendment would replace an annual review.

## 10.6 IPE Electronic Case Management Functions

**New Plan:** The “New Plan” option is utilized when completing an initial plan or when the overall nature of the IPE is changed. This would occur when a new vocational goal is chosen and there are major changes in the planned services. Any time a new vocational goal is chosen, a new comprehensive assessment case note must be completed that supports the new vocational goal. Remember: with the development of a new plan, the VR counselor and customer will need to include all needed services and complete the pertinent comparable benefit documentation outlined in Section 11.0.

**Clone:** The clone feature is to be used when the basic nature of the plan is going to remain the same. This feature brings forward a full copy of the previous IPE and allows the VR counselor and customer to add new services. New services will be given new service numbers when they are added to the clone. It is important to add new services before deleting previous services from the plan that have been completed or expired. This keeps service number 1-2-3... in numerical order and allows for subsequent services to be numbered appropriately. Justification for the new services must be documented in the comments section of the Plan sub-page. If the *goal is changed without the need to modify services, the IPE can be cloned*. Change the goal and update the comprehensive assessment in a case note to justify vocational change. When adding new or expanded services to a clone, *always update the justification in the “documentation” box*. It is not necessary to clone the plan each time the price of a service outlined on a plan increases. This can be accommodated through the authorization showing the increased costs.

**Edit:** There are limited circumstances when editing an IPE is allowed. When editing an IPE, a VR counselor, who meets CSPD standards, must document in a case note the customer's agreement with the edit of the IPE. The only two situations where an IPE can be edited are:

1. Changing the provider of a service

Generic services can be edited on an IPE, with customer agreement, without a customer's signature, prior to the initiation to that service. Non-generic services cannot be edited. No service may be added to the IPE through the edit process.

- a. Generic services – Tutoring, computer equipment / software, auto repairs, books, transportation, community rehabilitation services, child care, clothing, academic testing, dental work, dialysis, driver's training, eye glasses, functional capacity evaluation, GED, hearing aids, information referral services, insurance, kidney related services, lab work, licensure, maintenance, medication, vocational adjustment, tools and equipment, supplies, and x-rays.
- b. Non-generic services – Medical examination, diagnostic examinations, case management, post-secondary education, medical records, counseling and

guidance, treatment, evaluation, hospitalization, interpreter services, education and evaluation, therapy, OJT, other services, personal assistant services, psychological consultation, prosthetics / orthotics, rehabilitation technology, rehab engineering, self-employment technical assistance, surgery, transition planning, and vocational evaluation.

## 2. Changing the cost of a service

The cost of services on the IPE can be edited if the cost increase is 10% or less for that particular service.

### **Plan Approval Authority:**

VR counselors who do not meet CSPD will continue to require Regional Managers (RM) approval for all plans. RMs can, at their discretion, delegate this function to an Assistant Regional Manager (ARM) or other senior counselors at a level 2 or 3.

**Annual Review:** Upon completion of annual review with customer, the VR counselor must complete annual review function in Case Management System.

## **SECTION 11.0 COMPARABLE SERVICES AND BENEFITS**

### ***11.1 Comparable Services and Benefits***

Each eligible customer will be required to identify, with the VR counselor, all potential comparable benefits that may be available during the development of the Individual Plan of Employment (IPE). If comparable benefits and services are available, they *are required to* be utilized, to meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services should be utilized before Idaho Division of Vocational Rehabilitation (IDVR) agency funds are expended.

#### Provision of Services:

1. If comparable services or benefits exist under any other program and are available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, the designated State unit must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.
2. If comparable services or benefits exist under any other program, but are not available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, the designated State unit must provide vocational rehabilitation services until those comparable services and benefits become available.

The utilization of comparable services and benefits does not apply in the following situations:

- A. If the determination of the availability would delay the provision of vocational rehabilitation to any customer who is at extreme medical risk. A determination of



extreme medical risk shall be based upon medical documentation provided by an appropriate licensed medical professional and means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously. It is strongly recommended that such cases receive medical consultation review whenever possible.

- B. If an immediate job placement would be lost due to a delay in the provision of comparable benefits.

### ***11.2 Exempt Services***

The following categories of service are exempt to the requirement that comparable services and benefits be utilized:

- A. Medical, psychological or other examination to determine eligibility.
- B. IDVR counseling, guidance, information and referral, and IDVR job related services including: job search and placement assistance, job retention services, follow-up services, and follow along services.
- C. Evaluation of vocational rehabilitation potential.
- D. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.
- E. Post-employment services that are outlined through A-D.

### ***11.3 Timeliness of Comparable Benefits***

If a comparable benefit exists, but is not available to the customer at the time needed to satisfy the rehabilitation objectives on the IPE due to no delay on the part of the eligible participant in seeking such benefits, IDVR may provide services until the comparable benefits become available.

## **SECTION 12.0 VOCATIONAL REHABILITATION SERVICES**

### ***12.1 Timeliness***

The VR Counselor and customer require adequate time to accomplish all steps in the VR process to reach a determination and approval of an agreed upon feasible employment goal. VR services, other than assessment services, are initiated when the steps to this process have been completed and a plan is in place. Sufficient time must be allowed for the completion of a comprehensive assessment prior to implementation of IPE services.

Post-Secondary Training (PST) and other IPE services are VR services that are provided when it is required for a VR customer to become a competitive applicant for an approved IPE goal. If an applicant for VR services expresses an interest in a vocational goal that requires Post-Secondary Training and the VR applicant is either already enrolled or desires to start a PST program within

six (6) months of application, IDVR reserves the right to assert that six (6) months or less may not be adequate to complete the process described above.

## ***12.2 Agency Payment Policy***

**NOTE:** Many of the services listed below include *maximum agency contributions*. This section outlines in detail the payment policy of Idaho Division of Vocational Rehabilitation (IDVR) in regard to specific services. It is the policy of IDVR to pay usual, customary and reasonable charges for services provided to its customers by providers of goods and services except for the following list. An “Exception Policy” to the payment policy is included at the end of this sub section, explaining that the payment caps established may, on occasion be exceeded. It is important to emphasize that IDVR is not obligated to pay the total cost of services required to ensure that a customer achieves an employment outcome. When appropriate, customers are required to utilize Comparable Benefits and Services (Section 11.0). Personal participation in the payment of some portion of the costs of a vocational plan may be required based upon the particular service selected as well as the identification of personal resources that could be applied toward the cost of the targeted service.

### **Social Security Beneficiaries (SSI or SSDI):**

Social Security disability benefits recipients are not required to participate financially towards any costs.

### **Applying the Financial Participation Assessment Information to Making Purchases:**

If the customer has a financial participation requirement (Section 8.0), it will be applied to purchases prior to assessing any caps from the purchasing section.

### **Rates of Payment:**

These fees are established in accordance with Federal guidelines that permit an agency to establish fee limits for services designed to ensure a reasonable cost to the program for each service. Whenever appropriate, a competitive process will be used to achieve a reasonable price. Idaho is a low bid State; therefore, the lowest bid, meeting specifications, will then be the maximum amount IDVR will contribute to the purchase of goods or services. The Payment Policy will determine the maximum that IDVR will contribute to the purchase. For items not included in the payment policy, the usual, customary and reasonable rate will be used for the service, not to exceed the rate charged other public agencies. The services that will meet the customer’s need at the least cost to IDVR shall be the service purchased. All decisions on cases, including fee for services, are determined on an individual case basis. The customer may choose his or her preferred vendor, but if the client chooses a product or vendor that exceeds the maximum rate of payment established by the Payment Policy, the customer will be responsible for the excess amount.

### **IDVR Payment Rates:**

- 1. Post-Secondary Training:** IDVR provides financial assistance for Post Secondary Training. Listed below are maximum assistance allowances to apply toward all training and educational programs including college, university, vocational-technical, truck driving, cosmetology, business school, computer training, commercial pilot training, etc.

The established percentage support applies to ALL tuition and fees including any associated health insurance fees.

- a. **Pell Grant / Financial Aid:** Any customer planning on attending an institution that is eligible for Pell Grant funding must complete the Free Application for Federal Student Aid (FASFA) application and receive an award or denial letter prior to any IDVR financial participation. All PELL grant proceeds must be applied first toward tuition and book expenses before IDVR assistance is provided.

Any non-merit grants or scholarships must also be applied to tuition, fees and books before IDVR assistance is applied.

A merit scholarship, based on academic standing or achievement, can be utilized at the student's discretion.

Student loans, including Federal student loans, can be utilized at the student's discretion.

In situations where a comparable and accessible Pell Grant and non-Pell Grant supported programs co-exist, IDVR requires utilization of the Pell Grant supported program.

An exception for IDVR financial support to a non-Pell Grant supported program (when a comparable Pell Grant supported program exists) can be granted after review and approval by the Regional Manager if the student can show extenuating circumstances and/or other very strong rationale for attending the non-Pell Grant supported program.

- b. **Tuition:** IDVR will pay up to 90% of the total tuition and fees of any Idaho Public Post-Secondary Institution.

For customers choosing out of the state or private institutions IDVR will pay up to 90% of the tuition and fees up to 90% of the highest Idaho Public Post-Secondary Institution offering the same program.

- c. **Out-Of-State Education and Training:** Public and private post secondary institutions including colleges, universities, vocational technical schools, and other educational and training institutions outside the State of Idaho (see 12.5).

Normally IDVR financial participation will be limited to equivalent rates established for in state education and training with the following exceptions;

- i. If a customer's vocational goal requires an educational degree that is not available at a state of Idaho public institution, IDVR will pay a maximum of 2.5 times the rate of two semester's tuition of the University of Idaho.

- ii. If the course of study is offered in-state, because of the additional costs caused by accommodations for disability, it would be more cost effective for the Agency to support the attendance of the customer at an out-of-state educational institute, then VR may pay the training rates established for out-of-state programs.

**d. Summer Sessions:** Summer sessions are generally considered optional for academic programs. Therefore additional funding is typically not allotted for summer sessions.

Payment for a summer session will be considered with approval from the Regional Manager. Maximum assistance rates will be established according to the length of the term, i.e. semester, trimester, quarter. Approval or denial for summer school assistance will be considered if it meets any of the following conditions;

- i. IDVR may pay for summer session if it is a required part of a program.
- ii. IDVR may pay for summer session in exceptional cases where a disability-related reasonable accommodation is verified.
- iii. IDVR may pay for an additional summer session if by attending the session the customer will be able to complete the college or university degree program by the end of that session.
- iv. IDVR may pay for a summer session if by attending the session the customer will be able to complete the college or university degree program within the timelines identified on the IPE.

## **2. Books:**

Where available and feasible customers are required to use rental text books or e-books. All rented books need to be returned – customer will be billed when books are not returned.

If unavailable for rent or e-book format, some text books may need to be purchased. The expectation is that used books will be purchased when available. All books purchased by IDVR must be returned to IDVR unless negotiated previously with VR counselor (where the book may be used for additional classes, reference, or for disability reasons).

IDVR will pay a maximum of 90% of the text books. If non-merit grant funds are remaining after paying tuition and fees they must be applied to books.

**3. Medical Insurance for students in post-secondary education:** IDVR may pay for medical insurance for students while attending an institution that requires medical insurance. If the student has medical insurance or can obtain medical insurance at no extra cost that meets the institutions requirement IDVR will not pay for medical insurance.

Note to staff: this must be issued as a separate authorization and classified as insurance.

**4. Medical exams with written report:**

- a. General Physical exam - \$65 maximum
- b. Specialist exam by M.D. - \$350 maximum, plus actual cost of related procedures (e.g. x-rays).

**5. Psychiatric Evaluations:** \$250 maximum for the evaluation plus one medication monitoring sessions that is considered a diagnostic.

**6. Psychological Exam by Licensed Psychologist:** \$200 maximum plus actual cost of psychometric tests.

**7. Ophthalmologist:** The specialist fee (\$350) for an ophthalmologist will be authorized when diseases of the eye are present and cannot be dealt with by an Optometrist.

**8. Optometrist:** Maximum fees are established for general visual exam, accompanying test, frames and glasses. Tinted glasses require a prescription for IDVR payment.

**Procedure Fees:**

Visual Exam \$85

Frames w/ Single Vision Lenses (per pair) \$165

Frames w/ Bifocal Lenses (per pair) \$185

Frames w/ Trifocal Lenses (per pair) \$210

Contact Lenses – Contact lenses cannot be purchased for clients unless there is documentation by an Ophthalmologist or Optometrist that there is a medical or visual need. Maximum assistance - \$125

**9. Psychotherapy / Counseling Sessions:** IDVR recognizes the benefits of additional training, education, and credentialing and has established the following payment policy for customer psychotherapy and counseling.

- a. Doctorate level licensed psychologist up to \$100.00 per session.
- b. Masters level clinician (to include LPC, LCPC, MSW, LCSW, and ACADC) up to \$80.00 per session.
- c. Bachelor's level counselor (CADC) up to \$40.00 per session.
- d. Group Counseling – IDVR also recognizes the importance of group counseling as a part of mental health restoration and as a supplement to customer counseling. The following payment policy has been established for group counseling (not to include family counseling). Group counseling up to \$25.00 per session.

The maximum that can be spent on any psychotherapy or counseling services is \$1,000.00 for the life of the case.

## **10. Medication and Medication Monitoring:**

Maximum: 3 months of medication identified on an IPE with one additional month if needed for diagnostic purposes – total 4, while customer applies for reduced cost or free medication programs provided by drug companies or other sources of comparable benefits.

Maximum: 5 sessions of medication monitoring identified on an IPE. This does not include the one follow-up that is part of the evaluation.

## **11. Dental Work:** including but not limited to, fillings, extractions, crowns, and dentures. Dental Work would need to create an impediment to employment and must be appropriate to the identified employment goal.

Maximum: \$500 per case

## **12. Hearing Aids:**

Maximum: \$1,000 per hearing aid. Cost must include insurance for free replacements for one year.

**Audiologist exam:** \$85.00 maximum

## **13. Transportation:**

- a. Public conveyance (bus, van) – Actual cost of service
- b. Private vehicle not to exceed \$60 maximum per month within a 20 mile radius or up to a maximum of \$200 per month outside the 20 mile radius.
- c. Taxi Services – In areas without public conveyance, IDVR will not exceed \$60 maximum per month.

## **14. Car Repairs:** Maximum: \$300 per case (except for cost of reasonable accommodation for disability). IDVR will not pay for customary general car maintenance (i.e. oil changes, tire rotations, etc).

## **15. Auto Insurance:** Maximum six (6) months of auto insurance. VR will only pay necessary auto insurance required to cover the VR customer as a vehicle operator.

## **16. Vehicle Purchase:**

Maximum: \$5,000

- IDVR does not purchase new vehicles (12.9)

## **17. Maintenance:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are *in excess* of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt

of vocational rehabilitation services under an individualized plan for employment (IPE). (Ref 34 CFR Part 361.5 (35)).

**NOTE:** *Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.*

Maximum: \$2,000 total per Federal fiscal year.

## **18. Copy Fees:**

Maximum: \$25 for a copy of records or reports.

## **19. Community Rehabilitation Programs (CRPs):**

- a. Maximum hourly rate for community based services - \$47.80/hour.

Services purchased from CRPs are not subject to the allowable maximum for training and educational expenses.

Regional Managers can approve exceptions to the following limits:

- All types of Job Site Development - maximum 40 hours per strategy.
- CBWE and CBWA – maximum 25 hours.
- P&F – maximum 15 hours.
- CSE Job Coaching – maximum 40 hours.

- b. Maximum daily rate for in-house work evaluation, work adjustment - \$69.55/day.

## **20. Tools & Equipment:**

Maximum: \$1,500 per case. Agency inventory tools and equipment will count towards the \$1,500 maximum. *The VR counselor must always negotiate in the best interest of the agency on cost services and must get three bids, if vendors are available, on all durable equipment (reusable) value at \$300 or more.*

Tools will need to be required for training or employment and must be verified by the school or employer.

Exception: If there is a change in employment outcome, the customer must return the original tools to VR. After the tools have been returned, then VR may purchase new tools up to the \$1,500 maximum for the new employment outcome.

**NOTE:** *A Property Agreement must be secured on all durable equipment or reusable supplies that exceed \$150 in value.*

**21. On-The-Job (OJT) Fees:**

(See section 12.5 On-The-Job Training)

Maximum: \$3,000 for a salary of \$9.00 per hour and under; \$5,000 for a salary between \$9.01 - \$15.00 per hour; \$7,500 for a salary of \$15.01 or more. There is a 20 hour a week minimum.

- a. The VR counselor must negotiate OJT fees based on:
  - Employer's cost to train the individual above the normal level of training
  - Level of technical skills required for job
  - Number of hours worked
- b. The Individualized Plan of Employment (IPE) and OJT Agreement must include:
  - Cost of training
  - Length of time (# of months)

VR counselors are strongly encouraged to negotiate a decreasing payment schedule with the employer.

**22. Computers including hardware and software:**

Maximum: \$500 per case, except for disability related assistive technology.

**23. Self-Employment Plans – (see Section 12.10)****24. Child Care:**

Maximum: Up to \$300 per month per case.

**25. Reimbursements for Fines:**

IDVR will not pay for costs associated or incurred due to illegal behavior (fines, restitution, and reinstatements due to legal related suspensions).

**26. Advanced Degree:**

IDVR may assist with an advanced degree based upon the rehabilitation needs of the customer. (See section 12.5)

**27. Typical exclusions from VR financial participation:**

- a. Securing a private pilot's license
- b. Organ transplantation



- c. Surgery; Surgery may be provided if it is not the sole vocational rehabilitation service needed for the customer to return to work or to achieve an employment outcome.

IDVR will only cover the cost of surgery if it will substantially reduce functional limitations. It is highly practical and appropriate for the VR counselor to explore alternative employment opportunities with the customers that may negate the need for the corrective surgery. Such an alternative should accommodate the customer's functional restrictions and provide a level of income that would be comparable with potential earnings following a surgery.

**NOTE:** *When physical restoration services for customers who have a temporary disability, which will be eliminated by surgical care in an acute general hospital, is the only vocational rehabilitation service to be provided, and the condition is likely to be remedied by relatively routine medical intervention with no significant lasting effects, the RSA position is that such cases should be referred to other agencies. Such services should not be paid for under vocational rehabilitation auspices. – (RSA Position Paper, 3/28/80, Robert R. Humphreys, commissioner of RSA)*

## **28. No Shows:**

If a customer does not attend an appointment and does not cancel or reschedule, the customer will be responsible for payment of any charges – not VR.

If VR authorizes for an interpreter to be present and the customer does not attend, VR will cover cost of the interpreter through administrative authorization.

## **Exception to Rate of Pay Policy:**

The Rehabilitation Act of 1973, as amended, requires that IDVR have a policy that allows for exceptions to the Payment Policy, unless the exception would violate State or Federal laws. All exceptions will be reviewed on an individual case basis.

## **Exception to Rate of Pay Process:**

To be considered for an exception, the Customer and VR counselor should first seek approval from the Regional Manager. Regional Managers have the authority to approve the exception as long the exception is not more than 50% of the service cap. Greater than 50% of the service cap will require the approval of the Chief of Field Services. The Regional Manager shall submit the request for the exception in writing to the Chief of Field Services.

The request must include:

1. A description of the requested exception.

Detailed reasons why the customer, VR counselor and manager (when appropriate) believe the exception is warranted. The Chief of Field Services (or Regional Manager when appropriate) will have ten (10) days from the date of receipt of the request to make

a decision. If the request is approved, written notification will be sent to the Regional Manager (when appropriate) and this will be placed in the case file.

The Chief of Field Services reserves the right to deny any request.

If a request for exception is denied, the customer must be informed of the reason why and of his/her right to appeal the decision within ten (10) days of notification of the denial.

### **Reasons for Exception:**

The items listed below are not all inclusive, but do contain the major reasons that will be considered in determining if an exception to policy will be granted. Financial need alone is not always sufficient grounds for asking for an exception. While a customer may present one or more of these reasons for an exception, VR counselors should use discretion in requesting an exception. It is sometimes the nature and scope of the reason and not the number of reasons that may justify the exception.

1. The need is disability related.
2. The customer has used all sources available; including his/her own financial contribution, as well as all available Federal Financial Aid in post-secondary training situation, insurance, Medicaid, Medicare, and other resources typically used by persons without disabilities.
3. Changes in circumstances resulting in loss of income or support making previously available resources unavailable.
4. Service is not available, in certain geographical locations of the State, within the Payment Policy maximums.

## ***12.3 Counseling and Guidance***

Idaho Division of Vocational Rehabilitation (IDVR) recognizes that vocational counseling and guidance is the key element in the rehabilitation process in that it is the method of involving the customer and significant others in that process. It begins when the customer contacts the agency and does not end until closure as successfully rehabilitation or through the completion of the post-employment period.

Vocational counseling and guidance, including referral and placement, are essential VR services provided by the VR counselor throughout the rehabilitation process. This is the *primary service* in the VR plan.

Counseling, guidance and placement should be an integral part of every IPE regardless of other services because it is the best method of coordinating services and maintaining a good working relationship with the customer. This is also the method used by the counselor to facilitate customer input. The VR counselor gathers the necessary information for providing vocational counseling and guidance services from a wide variety of sources, including, but not limited to:

- A. Medical and psychological information.

- B. Vocational evaluation information including labor market information, job analysis, aptitude and interest information, situational assessments and trial work experiences.
- C. Analysis of transferable skills.
- D. Rehabilitation technology, including rehabilitation engineering.

Counseling will address vocational and personal adjustment issues that are creating barriers to the customer obtaining and maintaining employment.

Counseling will be provided in a respectful manner encompassing the core conditions of helping. These will include unconditional positive regard, genuineness and congruence. Counselors will always maintain a professional demeanor and not allow counseling issues to become personal. Counselors are to follow the canons of ethical behavior and practice outlined by the Commission on Rehabilitation Counselor Certification (CRCC) Code of Ethics.

Counseling services must be provided in every case but will vary depending on the needs and complexities of each individual customer. Frequency of guidance and counseling contacts is determined at plan development and included on the IPE. Case notes will reflect contact and content of meetings. *A monthly summary of guidance and counseling activities is the agency "best practice" norm for recording progress.*

#### ***12.4 Physical and Mental Restoration Services***

These are services necessary to correct or to substantially modify a physical or mental condition that is stable or slowly progressive. *Before medical restoration is provided, there must be documentation that the clinical status of the customer is stable or slowly progressive and the service is a requirement for the customer's successful employment. The medical consultant shall review the record to insure the adequacy of medical information, advice on the service requirement, educate the counselor on the procedure and required follow-up, and provide any necessary liaison with medical community.*

Current maximum financial contributions by IDVR for specified services can be found in the "Payment Policy" section 12.2 of the manual (See also section 12.2 subsection "Typical Exclusions" and section "Comparable Benefits"). For all other services listed below, IDVR will pay the prevailing "Usual and Customary" charges after a comprehensive assessment of potential or available comparable benefits and resources has been conducted.

##### **12.4.1 Concurrent Acute or Chronic Conditions Arising from Physical or Mental**

**Restoration:** Services necessary to assist with acute treatment or care for a condition associated with or arising from physical and mental restoration services that are on the IPE. Comparable benefits will always be explored prior to authorization of this service. *The medical consultant should be utilized to determine the medical rationale for such services whenever possible.*

These services should be provided in the least intensive medical environment appropriate.

In the case of a chronic condition which does not appear to be resolving in a reasonable amount of time, consultation with the medical consultant should be used to determine whether a case should be closed.

## ***12.5 Training Services***

### **12.5.1 Disability related training services**

Disability related services include, but are not limited to: orientation and mobility, rehabilitation technology, speech reading, sign language, and cognitive training/retraining.

### **12.5.2 Post-Secondary Training**

Post-Secondary training is provided when necessary to become a competitive applicant for an agreed upon IPE goal that reflects the customer's interests and informed choice to the extent that those factors are consistent with a customer's strengths, resources, priorities, concerns, capabilities and abilities. IDVR may support graduate study when the customer's employment objective is otherwise unachievable.

Prior to providing post-secondary training, comparable benefits shall be determined. The customer is required to complete and submit for processing the Free Application for Federal Student Assistance (FAFSA). The resulting Student Aid Report (SAR) and Financial Aid Award Letter will determine the Federal grant awards available that are to be applied to tuition, books and fees. Proof of financial award status *is required to be placed* into the record of services for all customers sponsored in post-secondary education by IDVR for training and degrees that are eligible for grants. Examples of proof include; the SAR, Financial Aid Award Letter or Post-Secondary Institution Student Budget, Compromise and Release documents from Worker's Compensation.

All non-merit scholarships and grants to be applied to tuition, books and fees as a first dollar source, prior to the consideration of expenditures of IDVR funds. Merit based funding may be applied to any legitimate college costs as determined by the customer, with no comparable benefit test required.

When IDVR has a joint case with another VR agency (Veterans Administration, Tribal Vocational Rehabilitation, Idaho Commission for the Blind and Visually Impaired, or another state VR agency) the sharing of case cost shall be done in a way that multiple agencies are not paying for the same service.

The FAFSA Expected Family Contribution, Student Contribution, Work Study and other grants must be considered in meeting the financial needs of the customer's post-secondary education to the maximum extent possible.

Customers are required to submit an application for FAFSA whether or not they believe they are eligible for funding. *This process should occur along with the verification of determination of eligibility/ineligibility for financial aid prior to IDVR developing an Individualized Plan of Employment (IPE) and participating in financial assistance for a post-secondary education.*

### **12.5.2.1 Out of State Training**

#### **Out-of-State Post-Secondary Education**

- a. If the VR customer must attend an out-of-state institution because the course of study is not offered within the state of Idaho, please see section 12.2.
- b. If the course of study is offered in-state, but because of the additional costs caused by the accommodation for disability, it would be more cost effective for the agency to have the customer attend the out-of-state educational institute, see section 12.2.
- c. If the customer chooses to attend an out-of-state institution when comparable training is clearly available in the state, see section 12.2.

### **12.5.2.2 Progress Measures**

Customers must maintain a term and cumulative grade point average that meets the school's academic requirements, program entry requirements, or a minimum of 2.0 GPA whichever is higher and must demonstrate timely progress towards meeting the goal of the IPE. The VR financial participation towards schooling may be paused if academic progress is such that the customer will not qualify for entry into the program stated on their IPE.

If the customer is placed on academic probation, or does not meet the standards stated above, s/he has one grading period in which to attain good standing. IDVR financial participation will terminate after that grading period until the customer achieves good standing.

If a customer does not pass a course(s) or withdraws following the designated drop period for the post-secondary institution, she/he is responsible to cover costs to repeat the course(s). *This understanding should be documented on the IPE that supports the training services.*

If a customer take an incomplete, she/he is responsible to complete the course(s) as designated by the institution and may be responsible to pay for the repeat of the course(s) *based upon whether or not active participation in the original coursework was demonstrated as agreed upon in the IPE. Disability-related interruptions will serve as justification for an incomplete, but should be carefully assessed to determine the feasibility of extending a particular program.* If a customer is unable to complete a course(s) due to a disability related issue, IDVR may assist in coordinating with the institution to resolve the matter (examples: finances, withdrawals, incompletes, etc.).

IDVR post-secondary educational support will cease if the customer has an expulsion for academic dishonesty.

### **12.5.2.3 Loan Defaults**

VR funds may not be utilized to pay for post-secondary education if a customer has defaulted on a State or Federal student loan. If a good faith effort is being made VR funding may be available. The University or College Financial Aid office may be able to assist in unusual circumstances. Additional information can be obtained at the U.S. Department of Education website <http://studentaid.ed.gov>, section "Repay Your Loans."

#### **12.5.2.4 Loan Deferment**

Consumers may be eligible for temporary suspension of loan payments during specific conditions such as, returning to school, unemployment, disability, or military service. Additional information may be sought through the Financial Aid Office at the school the student plans to attend.

#### **12.5.2.5 On-the-job-training (OJT)**

An OJT is for a customer that is hired by an employer that needs specific training to achieve the employer's expectations. On-the-job training requires the completion and signing of the IDVR OJT Agreement between the customer, counselor, and employer, which states the hourly wage, the specific training needs, responsibility for Workers' Compensation coverage and any other conditions of employment. IDVR pays a training fee for OJT, not reimbursement or wages.

### ***12.6 Benefits Counseling***

Benefits counseling includes an informed discussion of the customer's benefits, employment status, consideration of work incentives, and the impact on existing or potential benefits a change in employment may create. All social security recipients should receive benefits counseling services.

### ***12.7 On-the-job-supports***

On-the-job-support services are provided to a customer who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include; job coaching, follow-up and follow-along, and job retention services.

### ***12.8 Job Placement of Customers***

All customers have the obligation to be involved in their own job search activities to the fullest extent possible. The customer and the VR counselor will work together to identify the supports necessary for job search and placement. Some of the job search activities could include:

- Communication and presentation skills.
- Gaining access to and using information.
- Introducing customers to specific programs such as job centers.
- Gaining networking skills.
- Use of online job search and applications.
- Community Rehabilitation Provider (CRP) services.
- Providing information around Federal and State employment opportunities.

IDVR does not pay fees to private staffing/employment agencies.

#### **12.8.1 Community Rehabilitation Providers (CRPs)**

Community Rehabilitation Providers may be used to assist a customer as they prepare to obtain or maintain employment. CRP services may only be provided if they are agreed to by customer, VR counselor, and CRP. The CRP services should be consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and be the informed

choice of the customer. Potential employers contacted by the CRP should be informed of the CRPs contractual relationship with IDVR. If workplace accommodation or assistive technology needs are identified for a customer, IDVR staff will be involved in addressing the accommodation needs with the employer (this is not referring to job coaching accommodations).

If services are contracted out to a CRP:

1. The customer and VR counselor will review the available list of CRP vendors and the services offered by each and will make a selection. This process should be noted as “customer choice” when documenting the choice of the CRP vendor and services to be provided. The customer will sign an information release form authorizing communication between the selected vendor and IDVR.
2. The customer and VR counselor will contact the CRP to discuss required services, negotiate and agree upon time frames and costs.
3. The VR counselor will submit referral information necessary for the CRP to provide the agreed upon services.
4. The customer, VR counselor, and CRP will have a staffing prior to initiating services (this staffing can be by phone or in person).
5. The VR counselor and customer will develop and agree to regularly scheduled contacts while receiving CRP services (minimum once a month).
6. The customer, VR counselor, and CRP will mutually agree upon frequency of contacts to monitor progress, quality, and duration of services provided.

Employers should be educated with regard to the fact that a person eligible for vocational rehabilitation services under ID. Title 33, Chapter 23, Idaho Code and the Administrative Rules of IDVR, who is placed with an employer through the authorized services of a CRP for community-based evaluation, community-based work adjustment or community supported employment (CSE) training is covered for liability purposes through the Worker’s Compensation Insurance carried by the CRP unless an actual customer has actually been hired by a targeted employer prior to the provision of authorized services.

### **12.8.2 Schedule A Appointing Authority in the Federal Government**

5 CFR 213.3102 (t) (cognitive impairment), (u) (severe physical disabilities), and (gg) (psychiatric disabilities) are combined into one streamlined authority, 5 CFR 213.3102 (u). This authority is used to appoint persons who are certified that they are at a severe disadvantage in obtaining employment because of disrupted employment due to hospitalization or outpatient treatment for the severe disabilities listed above.

### **Appointment and Certification Process**

IDVR can assist customers with disabilities (whether IDVR customers or not) in completing the Schedule A process. Information on how to assist customers with disabilities with the Schedule A process can be found at:

[www.eeoc.gov/eeoc/initiatives/lead/upload/abc\\_applicants\\_with\\_disabilities.pdf](http://www.eeoc.gov/eeoc/initiatives/lead/upload/abc_applicants_with_disabilities.pdf) or  
[http://www.opm.gov/disability/appointment\\_disabilities.asp](http://www.opm.gov/disability/appointment_disabilities.asp)

### **12.8.3 Alternative Hire Process for Employment with State Government**

Within the IDAPA rules (15.04.01) of the Division of Human Resources and Idaho Personnel Commission exists the provisions and protocol entitled: 097 “Alternative Examination Process for Persons with Disabilities,” under this rule:

1. The VR counselor determines the need for the Alternative Hire process by documenting that the customer cannot competitively compete for the job due to a disability(ies).
2. The VR counselor determines that the customer meets the criteria for the alternative hire program.
  - Disability limits one or more functional areas.
  - The customer meets the qualifications of the class.
  - The customer lacks competitiveness in the normal hiring process due to disability.
3. The VR counselor will complete the Application for the Alternative Hire Program Form. Include a letter to Idaho Division of Human Resources (DHR) explaining why the customer cannot compete through the normal examination process due to his/her disability. The examination process includes application, testing, and interviewing.
4. The VR Counselor will staff the case with the Regional Manager for approval. The Regional Manager will subsequently forward the application to the VR Administrator for final approval.
5. IDVR Administrator approves/disapproves. If approved, the application will be forwarded to the Administrator of the Division of Human Resources for final review.
6. Upon approval from DHR, the VR counselor proceeds with the Alternative Hiring Process to the hiring authority.

**Note:** This process requires the use of the “Alternative Hire Application.”

### **12.9 Vehicle Purchase**

Vehicle purchase may be provided if it is not the sole vocational rehabilitation service needed for the customer to return to work or to achieve an employment outcome. The vehicle purchased will be only at a level to meet the vocational rehabilitation need of the customer. If the customer desires a vehicle above and beyond the level of vehicle needed to meet the vocational rehabilitation need they will be required to pay the cost difference between the two. This amount would not count towards the customer’s financial participation requirements and IDVR will not be party to associated financial obligations.

Purchase of vehicles for a customer is allowable only when the occupation of the customer will require a vehicle as occupational equipment. The agency may not purchase a vehicle for a routine need for transportation to and from a place of employment.



The vehicle will be purchased after all other aspects of the IPE necessary to achieve the employment goal have been completed.

Vehicle purchases require approval from the Regional Manager and Chief of Field Services prior to agreeing to the purchase for the customer. The VR counselor will be required to document responses to the following:

- How the purchase is essential to the achievement of a successful employment outcome.
- Whether the vehicle is required as a condition for employment or why it is needed to achieve an employment outcome.
- An explanation of the transportation alternatives explored and the reason(s) these options will not meet the customer's needs.
- A summary of other resources explored, such as insurance, a PASS Plan for customer receiving SSI/SSDI, or other sources, and how these resources will be utilized.
- The customer's disability is stable or slowly progressive and is not likely to impair his or her ability to drive in the foreseeable future.
- If the customer has a known pattern of alcohol or drug abuse within the past 5 years, whether in remission or not, a complete and current drug/alcohol evaluation included.
- An abstract of the driver's complete driving record obtained from the Department of Motor Vehicles. Citations other than parking tickets and minor traffic offenses may impact approval.
- Current Idaho driver's license of the person who will be driving the vehicle.
- Verification of customer's driving capacity as demonstrated through modified driving assessment or significant demonstrated safe driving history under current functional capacities.
- Verification of the customer's financial ability to pay for the fuel, license and registration, insurance, and vehicle maintenance. This will require an insurance quote appropriately reflecting vehicle usage. Additionally, the customer will have to develop a plan for how they will replace the vehicle in the future as part of the feasibility review. If the customer does not have a method to replace and/or repair the vehicle if an accident occurs, the customer will show the ability to provide comprehensive insurance.
- The type of vehicle being considered (estimated price range and any special considerations). IDVR does not purchase new vehicles or vehicles that require above an Idaho Class D operator's license.

*Note: IDVR does not purchase vehicles to address geographical or other barriers that are not disability related.*

#### **Following the decision to purchase the vehicle:**

- Must follow all state and IDVR purchasing guidelines.
- IDVR will only authorize purchase vehicles from licensed dealerships.
- An inspection of the vehicle prior to purchase from a qualified mechanic is required. Also, obtaining a Car Fax is required.
- The vehicle title will be granted to the customer upon proof of insurance and all appropriate licensing (a tool agreement is not required).
- Every six (6) months the customer must show proof of insurance and maintenance until case closure.

IDVR has no further obligation to purchase any future vehicles due to customer negligence.

### ***12.10 Self-Employment Policy***

#### **Introduction**

The primary goal of the Idaho Division of Vocational Rehabilitation (IDVR) is to assist the customer in attaining a suitable competitive employment outcome that results in financial self-sufficiency. Self-Employment is one option that may be considered to assist the customer in selecting a vocational goal.

The impediment created by the customer's disability must be addressed in the overall comprehensive assessment leading up to Individualized Plan of Employment (IPE).

The successful self-employment enterprise is operated by a participant who can demonstrate an array of skills and abilities, including; organization, business and financial management, marketing and other talents, as well as, knowledge and expertise in the goods or services being produced. These may be accomplished through natural supports or other resources and would need to be included in the self-employment plan. It is essential that the participant is well informed of potential risks and that efforts are made to minimize those risks.

A vocational evaluation/career exploration may be used as a method of assisting the customer and VR counselor in deciding if self-employment is a possible viable option. Vocational evaluators have a variety of instruments, work samples, inventories and other strategies to use in providing feedback and information related to self-employment.

There may be a need for VR services prior to a commitment from IDVR on a self-employment plan. It could be appropriate for IDVR to assist a customer in services, such as training needed for certain skills or business knowledge before the decision is made by the customer and VR counselor to pursue the development of a business plan.

IDVR values self-employment as a viable vocational outcome. Self-employment is presented by the VR counselor within the repertoire of vocational options and may be considered by customers and VR counselors as they work toward the development of an appropriate vocational goal.

IDVR supports active, not passive or speculative, self-employment goals.

### **General Self-Employment Process and Flow Chart**

The following steps will be required for all self-employment. The nature and extent of activities within each step will vary by the type and complexity of the self-employment business goal.

- 1. Assessment of Customer's Appropriateness for Self-Employment**
- 2. Writing an IPE – Developing a Business Plan**
- 3. Amending IPE - Implementing the Business Plan**
- 4. Closure of Self-Employment Case**

### **Definitions**

- a. Business Plan** – A detailed outline of the business description, objectives, organization, product or service description, summary of Customer qualifications, analysis of the potential business environment and market, management and organizational structure, and financial plan.

The level of detail required for the various components of the business plan will vary depending upon the type of self-employment being pursued.

- b. Contracting and Sub-Contracting** – When the VR customer works with a company under a limited or contract basis for either short or long term employment, but is not a company employee. There are some types of employment goals that could be sub contractors or a standalone business. Examples of likely contracting and sub-contractors opportunities include but are not limited to:

- Realtor
- Construction trades
- Cosmetology, nail tech, and hair stylist
- Paper delivery
- Tattoo artist

This is a type of start-up self-employment that will often be processed as a low cost, low risk, low complexity self-employment plan.

- c. Continued Self-Employment** – Employment where the VR customer is presently or recently (within the last year) engaged in a *successful* self-employed business as identified by the customer and feasibility of the business is recognized by IDVR. In this

scenario, the IPE services will address *disability related barriers* to employment. IPE will be written as maintaining employment.

Any capitalization of the business will require the use of low cost/low risk/low complexity, complex, or supported self-employment strategy.

**d. Feasibility Analysis** – Provides an in-depth analysis of the business concept, the market, the financial investment and income potential. In addition, the feasibility analysis considers:

- Financial resources, skills and history of the customer as it relates to successfully operating a small business
- The need for customer training
- The availability of strong support network for long-term business success
- The need for a comprehensive business plan
- The likelihood of sustainability in a reasonable amount of time (what is a reasonable amount of time will likely vary by the type of self-employment)

The feasibility analysis offers the VR Counselor and customer a comprehensive, objective evaluation of the strength of the proposed self-employment venture.

**e. Forms of Organization** - refers to the way the individual legally organizes the business

i. *Sole Proprietorship* - one person who owns the business alone, but may have employees. She/he will have unlimited liability for all debts of the business, and the income or loss from the business will be reported on his or her personal income tax return along with all other income and expense she/he normally reports (although it will be on a separate schedule).

ii. *Corporation* – requires a legal filing with the Internal Revenue Service for corporate status. Corporate organization provides limited liability for the investors. Shareholders in a corporation are obligated for the debts of the corporation; creditors can look only to the corporation's assets for payment. The corporation files its own tax return and pays taxes on its income.

- VR customers who legally organize their businesses as a corporation, and are employed by their corporation may be eligible while in the start up phase of operations.

iii. *General and Limited Partnerships* – two or more individuals, one of which is a customer of IDVR with the controlling share (see Eligibility Requirements for Self Employment).

iv. *Limited Liability Company* - limited liability for all of its members (business partners), with the IDVR customer as the controlling member.

**f. Hobby** - customers identifying business-related goals that indicate a business activity that is:

- Operated for recreation and/or pleasure.
- Not projected to be profitable.
- Not seeking profitability.
- Neither operating nor carrying on activity in a business-like manner.
- Not depending on activity for livelihood.

**g. Low Cost / Low Risk / Low Complexity Self-Employment** – A comprehensive business plan is not required if a feasibility analysis report indicates the business concepts represents a (1) low cost (under \$5,000) total cost of anticipated self-employment start-up, (2) low risk (strong likelihood of success) and (3) low complexity (few and clearly identifiable barriers to self-employment). Examples of self-employment ventures that may not require a comprehensive business plan include:

- A VR customer is already self-employed and has demonstrated skills and abilities to successfully manage the business, and VR services are needed to retain employment due to a disability-related condition.
- The VR customer has previous experience being self-employed in the same or similar field and start-up needs are minimal.
- The VR customer has skills and experience in a trade and needs minimal training and services for startup, such as, lawn care, pressure washing, window washing, and bookkeeping.
- A VR customer has experience or training in a trade and will lease space or sub-contract with an existing business and pay their own taxes, i.e., massage therapist, manicurist, cosmetologist, real estate agent.

**h. Complex Self Employment** – All self-employment plans that do not meet the criteria for low cost/low risk/low complexity, continued self-employment or supported self-employment fall under this category.

**i. Multi Level Marketing** –As a marketing strategy in which a person is compensated not only for sales they personally generate, but also for the sales of others they recruit into a business venture, creating a “down line” of distributors and a hierarchy of multiple levels of compensation.

**j. Natural Supports** – Long term supports provided by individuals naturally invested in the success of the VR customer (family and friends).

- k. Startup Self-Employment** - refers to an employment outcome in which a customer works in a business that she/he starts, owns, operates, and manages with the intention of being profitable.
- l. Supported Self-Employment** – refers to an employment outcome in which a customer works in a business that she/he owns, operates, and manages with natural or long term supports, with the intention of being profitable.

### **Eligibility Requirements**

Participation in self-employment or supported self-employment as a vocational goal requires that:

1. The business venture is, at a minimum, 51% owned, controlled and managed by the IDVR customer. For those in supported self-employment, some IDVR customers may require the assistance of a guardian or conservator in controlling or managing a business.
2. Businesses must be organized as Sole Proprietorships, Corporations, General and Limited Partnerships, and Limited Liability Companies, as noted in Definitions-Forms of Organization.
3. The business venture is considered legal in all jurisdictions in which it operates (Federal, Tribal, State and local Governments). This includes business and other necessary licenses.
4. The business venture is accurately reporting to appropriate government agencies, including the Internal Revenue Service and State taxing agency or other applicable
5. State or local authorities.
6. The business venture is organized as a for-profit entity.

### **Financial Participation Requirements**

Social Security beneficiaries are not required to financially participate towards the cost of their self-employment plan.

IDVR customers have a variety of sources to obtain their portion of the business costs. Some of these include:

- Investment of funds from microloans;
- Commercial and consumer loans;
- Loans from family;
- Forgivable loans;
- Equity grants;
- Equipment critical to the business operation;

- Inventory;
  - Supplies;
  - Facility (including fair value of existing facility in which the business will be operated)
- a. In consideration of the business start-up capitalization noted in the Business Plan, financial participation by IDVR and VR customer for the entirety of the self-employment plan, per case is as follows:

<u>Business Capitalization</u>	<u>Maximum IDVR Financial Assistance</u>	<u>Minimum Customer Participation</u>
Under \$2,500	100%	0%
\$2,501 to \$5,000	80% of startup capital	20%
\$5,001 to \$7,500	70% of startup capital	30%
\$7,501 to \$10,000	60% of startup capital	40%
\$10,001 and up	50% of startup capital	50%

If IDVR's portion for business start-up and capitalization is more than \$10,000, the Chief of Field Services must provide approval.

- b. Financial participation will not be required for IDVR investment in:
- Training and technical assistance.
  - Accommodations necessitated by the customer's disability in order to participate in training, technical assistance or in consideration of financial assistance.

### **Limitations and Restrictions**

Financial assistance for business start-up capitalization does not include:

1. Funding for speculative real estate development.
2. Deposits that are refundable to the customer or business.
3. Cash.
4. Salary or benefits for the customer, partners in ownership, or any employees of the business.
5. Purchase of real estate.
6. Erection of buildings.
7. Inventory or business supplies that include tobacco, firearms or alcoholic beverages.

8. Refinancing of existing debt – business or personal.
9. Business continuation expenses subsequent to the initial start-up costs.
10. IDVR does not support a customer hobby as a self-employment goal.

Self-employment involving payment for registration, legal services, patents, trademarks, copyrights, or franchise fees require an exception to policy approved by the Chief of Field Services.

Multi-Level Marketing plans are often similar to illegal pyramid schemes; therefore, VR counselors are cautioned about supporting self-employment businesses with a multi-level marketing structure. Support for multi-level marketing businesses may be appropriate when the emphasis is on sales by the VR customer versus recruitment of down line distributors.

## **Types of Self-Employment**

### **A. Start-up Business**

#### **a. Low Cost / Low Risk / Low Complexity Business Plan**

##### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer's disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- May authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.



- Monitor business development at post start-up.

## **II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include; collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VR counselor.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the agency for post star-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

## **III. Assessment of IDVR Customer's Appropriateness for Self Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include; a) use of data gathering instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.
- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical

and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.

- Examination of the customer's financial goals related to self-employment should include consideration of issues such as impact on government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

#### **IV. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

##### **1. Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to self-employment. This could include options such as; training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in

business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

## **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture.

- A basic Business Plan must be written and approved to the satisfaction for the VR counselor.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

## **3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- All low cost/low risk/low complexity self-employment plans will be reviewed by the customer and the VR counselor.
  - a. If the customer and IDVR agree, then the VR counselor and customer proceed to amend the IPE to initiate the self-employment plan.
  - b. If the customer and IDVR agree, that revisions are needed the customer proceeds to revise the plan with or without technical assistance.
  - c. The customer may decide not to proceed with the identified business goal. If so, the customer and the VR counselor proceed

with developing a new IPE goal (this may or may not be a different self-employment option).

## **V. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identifying necessary training and technical assistance needed to implement the plan.
4. Identifying post start-up support services that may be needed.
5. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and reassess other VR options.
  - Proceeding with case closure.

## **VI. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

## **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **b. Complex Business Plan**

### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the Agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer’s disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- Authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Assist in identifying resources for the capitalization of the business plan.
- Coordinate training and technical assistance services.

- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.

## **II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This includes conducting research, gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance.
- Researching the availability of financial resources.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

## **III. Assessment of IDVR Customer's Appropriateness for Self Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include; a) use of data gathering instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.

- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- The customer has attended a training session, such as the Small Business Development Center's "Exploring Entrepreneurship" or another comparable program, to evaluate the advantages and disadvantages of business ownership and explore self-employment preparedness from a personal perspective.
- Examination of the customer's financial goals related to self-employment should include consideration of issues such as, impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.
- Conduct a preliminary assessment of various funding sources for business capitalization. The customer's expectations relative to the financial support she/he anticipates/expects from IDVR should be discussed at the onset. It is important that the customer understands that *IDVR will not be the sole source of startup capitalization and that any funding allocated to the start-up of the business will be consistent with IDVR policy related to financial participation.*

#### **IV. Assessment of the Feasibility of the Business Concept**

Customers may be referred to outside resources for assistance in examining the concept, market and financial feasibility of the business. If the business idea is deemed feasible, the information developed at this stage will provide some of the basic data that will be used in completing the Business Plan to be written later.

Testing the feasibility of the business idea should be formalized through a written Feasibility Assessment documenting the following:

- **Concept Feasibility:** Clear description of the business idea; customer's background related to the business concept including education, training, direct experience and transferable skill sets; a summary statement identifying issues of concern regarding the feasibility of the concept; and a recommendation as to whether the business concept is feasible.
- **Market Feasibility:** Geographic description of market area; description of competitors working in or marketing to potential customers in geographic area; definition of target markets including size and scope of each market; zoning issues/requirements for establishing a business at intended location.

- Financial Feasibility: Capitalization requirements (start-up funding not to exceed 6 months) consistent with the individual's business concept; identification of resources for start-up funding and ongoing capitalization. Twelve (12) months of projected sales/expenses may be included, when appropriate.

## **V. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. IDVR Customer Training and Technical Assistance:**

- All customers will be expected to attend training, when available, and participate in technical assistance services related to self-employment. This could include options such as; training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing. *Exceptions to the above requirement may be made with supervisory approval in limited circumstances.*
- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.



## **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR, banks, micro lenders, and other funding organizations to determine whether or not to participate in capitalizing the business venture.

- A comprehensive Business Plan will be required for all complex self-employment goals. The content for a comprehensive Business Plan is a thorough assessment of all the components listed in the Business Plan definition.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

## **3. Explore and Apply for Resources Available From Other Sources:**

IDVR customers pursuing self-employment are required to explore funding from sources other than IDVR. These may include microloans, commercial and consumer loans, loans from family, forgivable loans, equity grants, and work incentives for Social Security recipients including Plans to Achieve Self Support (PASS) and personal property (inventory and equipment) essential to the operation of the business. If the business plan is approved and the IPE is amended, the customer will apply for other resources necessary to implement the business plan.

## **4. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- The business plan is submitted for technical assistance and feasibility review by an outside consultant (approved by the VR counselor and customer) with experience in business development.
- All complex self-employment plans will be reviewed by a self-employment team. The self-employment team will include the customer, VR counselor,

Regional Manager, at least one outside consultant, and other individuals as appropriate.

- a. If the customer and IDVR agree, based on the feedback from the self-employment team, then the VR counselor and customer proceed to amend the IPE to initiate the self-employment plan.
- b. If the customer and IDVR agree, based on the feedback from the self-employment team, that revisions are needed, the customer proceeds to revise the plan with or without technical assistance.
- c. If the customer does not agree with the recommendations from the self-employment team the customer may choose to follow the appeal process. (See Section 4.0)
- d. The customer may decide not to proceed with the identified business goal. If so, the customer and the VR counselor proceed with developing a new IPE goal (this may or may not be a different self-employment option).

## **VI. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, resources, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identifying necessary training and technical assistance needed to implement the plan.
4. Identifying post start-up support services that may be needed.
5. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not

meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:

- Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
- Withdrawal of IDVR support of the business and reassess other VR options.
- Proceeding with case closure.

## **VII. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **B. Supported Self Employment**

### **a. Role of IDVR**

When working with customers expressing an interest in supported self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of supported self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether supported self-employment is an appropriate option to achieve their employment goal.

- Assess the customer's disability as it relates to the self-employment goal and the nature and level of support required (Examples: guardians/family members, targeted service coordinator, psychosocial rehabilitation provider, Medicaid broker, SSA payee).
- Reduce or eliminate barriers to supported self-employment created by the disability.
- May authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer, support team, and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.

#### **b. Role of the IDVR Customer with their Support Team**

Customer and support team's responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VR counselor.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Identifying the areas within self-employment that need ongoing support and identify the specific individuals or resources that will provide that support.

- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

### **c. Assessment of Customer's Appropriateness for Supported Self Employment**

- A. Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to supported self-employment. This may include; a) use of data gathering instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business with adequate support systems.
- B. Ensure the viability of supported self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- C. Examination of the customer's financial goals related to supported self-employment should include consideration of issues such as: impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

## **I. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a supported self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of supported self-employment as a strategy for the individual VR customer. It should be based on

the feasibility analysis, the assessment of the customer's appropriateness for supported self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. IDVR Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to supported self-employment. This could include options such as; training and technical assistance on subjects such as exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training or support to eliminate gaps for the operation of the business.

### **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture. If the supported self-employment plan meets the criteria for a complex self-employment plan refer to the business plan development for complex self employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan refer to the business plan development for low cost/low risk/low complexity plan.

### **3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

If the supported self-employment plan meets the criteria for a complex self-employment plan refer to the business plan review for complex self-employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan refer to the business plan review for low cost/low risk/low complexity plan.

## **II. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer, support team, and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, cost, and vendors need to implement the supported self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Resources to provide long term support (Extended Employment Services, Medicaid waiver, private pay, or natural supports) are identified and secured.
4. Identifying necessary training and technical assistance needed to implement the plan.
5. Identifying post start-up support services that may be needed.
6. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of supported self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.

## **III. Closure of Supported Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.

- At least 90 days of stable employment and at least six (6) months of business operation.
- Verification of necessary long term supports.

Equipment provided for the supported self-employment plan may be released or returned, consistent with Section 13 of the policy.

## **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **C. Continued Self-Employment:**

### **I. Writing IPE**

1. Prior to completing the IPE, a comprehensive assessment must be completed.
2. Identify specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify necessary training and technical assistance needed to implement the plan.
4. Identify post start-up support services that may be needed.
5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).



- Withdrawal of IDVR support of the business and assess other VR options.
- Proceeding with case closure.

## **II. Closure of Continued Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment.

Equipment provided for the continued self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the continued self-employment plan, consistent with Section 13 of the policy.

## ***12.11 Effective Communication Services for Customers with Sensory Impairments***

IDVR can provide interpreter services and note taking services for customers who are deaf, including tactile interpreting for customers who are deaf-blind; reader services, rehabilitation teaching services, note-taking services and orientation and mobility services for customers who are blind; telecommunications, sensory and other technological aids and devices.

**Note:** *If the customer is enrolled in an academic/technical training program at an institution that receives Federal financial support, the institution will be responsible for the provision of interpreter services within the classroom or formal training environment i.e., outside the classroom, but mandated or supported by the class curriculum. (A regional exception has been made at the Eastern Idaho Technical College – EITC as per the agreement between IDVR and EITC).*

### ***12.12 Occupational Licenses, Tools, Equipment Initial Stocks and Supplies necessary in order to enter an Occupation***

Occupational licenses, tools, equipment, initial stocks, and supplies may be purchased in order to adequately prepare the customer for a vocational outcome. *Private pilot's license will not be secured through the financial support of IDVR.*

IDVR will not purchase land or buildings for customers with disabilities. IDVR retains the right to reclaim occupational tools and equipment purchased by IDVR when:

- Customer's IPE is not completed.
- The tools and equipment are no longer necessary or appropriate for the existing or new employment goal.
- Case is closed other than rehabilitated.

### ***12.13 Supported Employment Services***

Supported employment services may be provided to customers with the most severe disabilities who require ongoing training on-the-job and support services.

#### **12.13.1 Supported employment is defined as follows:**

- A. Competitive work (defined as payment of an hourly rate not less than minimum wage or less than the employer usually pays individuals who are not disabled) in an integrated work setting (defined as an environment in which the customer engages in as much contact with co-workers or the non-disabled general public as any other non-disabled person working in that job would experience) with ongoing support services for customers with the most severe disabilities for whom competitive employment:
  - 1. Has not traditionally occurred; or
  - 2. Has been interrupted or intermittent as a result of severe disability; and
  - 3. Who, because of the nature and severity of their disability(ies), need intensive supported employment services or extended services in order to be gainfully employed; or
- B. Transitional employment for customers with chronic mental illness.

**Note:** Non-competitive, non-integrated employment (sometimes referred to as Sheltered Work, Facility Based Work, Work Services, or Workshop Services) is not part of VR services. If a customer requests these services, IDVR will provide information about competitive, integrated employment to assist in informed choice. If the customer still request non-competitive, non-integrated employment they will be referred to the Extended Employment Services Program through the Extended Employment Services Referral Form.

### 12.13.2 Supported employment Process:

- A. Through an assessment (internally provided or through a review of external documentation) or through the provision of VR services, supported employment is identified as a necessary strategy for successful employment.
- B. The VR counselor and customer will identify the level of ongoing job support necessary to maintain successful employment.
- C. The VR counselor and customer will identify the availability of long term support strategies for the level of supported employment services identified.
- D. If long term support strategies are available then an IPE may be written.
- E. If long term support strategies are not available the case will be closed “Unable to Benefit from Services.”

### 12.13.3 Supported Employment Strategies

**Natural Supports:** Support from supervisors and co-workers occurring in the workplace to assist employees with disabilities to perform their jobs, including supports already provided by an employer for all employees. These natural supports may be both formal and/or informal, and include mentoring, supervision (ongoing feedback on job performance), training (learning a new job skill with a co-worker), and co-workers socializing with employees with disabilities at breaks or after work. Support provided by family, friends, or significant others are also included within this definition.

**Extended Employment Services:** (IDAPA 47.01.02) Funds Managed by IDVR/EES. There are four eligibility categories:

- A. Developmental Disabilities (as defined in section 66-402, Idaho Code).
- B. Mental Health: (Typically Schizophrenia, Major Mood Disorders, Borderline Personality Disorder, Delusional Disorder, Schizoaffective Disorder).
- C. Specific Learning Disability.
- D. Traumatic Brain Injury.

### Medicaid Funded Employment Supports:

Developmental Disabilities – Adult DD Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.703.03). Eligibility for this waiver is determined by the Independent Assessment Providers (IAP) at the Idaho Center on Disability Evaluation. The Self-Directed option falls under this waiver.

Aged or Disabled Waiver – Supported Employment is a component included in this Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.326.17).

#### **12.13.4 Steps to Securing Long Term Support for Medicaid or EES Services:**

1. Contact the Regional Community Supported Employment (CSE) coordinator.
2. The Regional CSE coordinator will submit the Referral for Extended Employment Services to the EES program.
3. The Regional CSE coordinator and VR counselor will receive documentation regarding the availability within ten (10) business days.
  - a. Funding for EES Available – The VR counselor proceeds with plan development.
  - b. No EES Funding Available – Customer is placed on the EES waiting list by EES program.
    - i. Waiver Eligible –
      - VR staff notifies in writing to EES program that employment services are approved from Medicaid. Customer is removed from the waiting list once employment waiver services are approved by Medicaid.
      - If employment services are not included on the customer's waiver plan, if EES funding is not secured within three (3) months then the case will be closed (EES case will remain open and the customer will remain on the waitlist).
    - ii. Not Waiver Eligible – Customer remains on the EES waiting list
      - VR counselor does not proceed to plan development.
      - If funding is not secured within three (3) months then the case will be closed (EES case will remain open and the customer will remain on the waitlist).
      - Once EES funding becomes available EES program will notify CSE coordinator and VR counselor; customer will be removed from the EES waiting list. IPE development may be initiated (VR case file may need to be reopened).

#### ***12.14 Post-Employment Services (PES)***

A customer with a disability who had been previously rehabilitated may require additional services in order to maintain, advance in, or regain suitable employment. In order to qualify for this service strategy, the need must be based upon a disability previously documented in the eligibility determination section. Post-employment services require an amendment to the IPE. *In order to qualify for these services, the customer's vocational needs must be minor in scope (\$1,000 or less) and duration (6 months or less). This means the customer only needs relatively short-term services with minimal cost associated.* Customers requiring multiple services over an

extended period of time and/or a comprehensive/complex rehabilitation plan should be encouraged to reapply for the full-spectrum of VR services since their needs exceed the intent of post-employment services. PES can be initiated within three (3) years of successful closure. Once the record is destroyed, a new case must be opened.

**Note:** The intent of PES is to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

### ***12.15 Rehabilitation Technology***

Rehabilitation technology services (assistive/adaptive technology) may be provided as compensatory strategies to increase, maintain, or improve functional capabilities of customers with disabilities. Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility and vocational rehabilitation needs, extended evaluation, services provided under an IPE, and post-employment services. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices are exempt from a determination of the availability of comparable services or benefits exist under any other program and are available to the customer, IDVR may request, but may not require the use of comparable services and benefits. (For further information, please review the series of comprehensive fact sheets provided by Idaho Assistive Technology Project located on the IDVR intranet web site. There are also direct links to the Idaho Assistive Technology Project web site at that location).

**12.15.1 “Assistive technology service”** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including:

- A. The evaluation of the needs of a customer;
- B. Purchasing, leasing, or otherwise providing for the acquisition by a customer with a disability of an assistive technology device;
- C. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- D. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- E. Training or technical assistance for a customer with a disability.

**12.15.2** An assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a customer with a disability.

**12.15.3** Vehicle modification, may be provided as an assistive technology device only when the applicant/customer is otherwise precluded from achieving a vocational objective.

- 1. In the event that a vehicle requires modification. e.g., hand controls, lift installation, or structural revision, may be provided on vehicles with an expected life of five (5) years or longer after modification, as evaluated by a certified mechanic (paid for by IDVR). The

customer must agree to maintain insurance on the vehicle for replacement costs of the modified equipment.

2. Any vehicle modification over \$3,000 must include a minimum of two bids from approved vendors.
3. Adaptive equipment items that are not documented as medically and/or vocationally necessary will be the responsibility of the customer.
4. When a customer purchases a new vehicle requiring modifications they should check with the dealership to see if the vehicle modification assistance is available. The VR counselor will check with the customer to see if the customer is willing to access and apply the rebate to the cost of vehicle modification.

**12.15.4** Housing modifications may be provided as a supportive service so the customer can benefit from a core vocational rehabilitation service. Typically these services are provided under an IPE.

### ***12.16 Supportive Services***

- A. Maintenance is a funding provision designed to offset *identified additional costs incurred as a result of participating in a rehabilitation service* (expenses incurred by the customer while engaged in assessments required for determining eligibility or while receiving services under an IPE).

**NOTE:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Ref: 34 CFR, Part 361.5 (35)).

Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.

Maintenance intended to cover shelter related expenses will not exceed four (4) months per case without the Chief of Field Service's approval.

Maintenance intended to cover food expenses will not exceed four (4) weeks per case without the Chief of Field Service's approval.

Maximum per diem food rates for the state of Idaho can be found at:

<http://www.sco.idaho.gov/web/sbe/sbeweb.nst/pages/trvlpolicy.htm#Apendix%20%22B%22>.

Maximum per diem food rates for out of state can be found at: [www.gsa.gov](http://www.gsa.gov).

VR counselors should be aware and make their customers aware, that any maintenance payments for food, shelter, or clothing may impact SSI benefits.

- B. Transportation is a service for identified travel and related expenses for customers to participate in a vocational rehabilitation services or assessment.
1. Actual costs may be paid for taxi, buses, airplanes, etc.
  2. When using a privately owned vehicle, fuel assistance will be negotiated. This depends upon actual transportation expenses for participation in rehabilitation services. Routine vehicle maintenance is not covered by IDVR.
  3. The VR counselor must take into account the following issues when confronted with a request from a customer to repair a privately owned vehicle:
    - a. The overall condition and value of vehicle.
    - b. The extent of the repairs.
    - c. The availability of other appropriate transportation.
    - d. The necessity that the vehicle be used for VR participation or work.

### ***12.17 School Transition***

The Idaho Division of Vocational Rehabilitation (IDVR) participates in student transition planning as outlined at 34 CFR 361.22 of the Rehabilitation Act Regulation. The Regulations require plans, policies, and procedures that provide for the development and approval on an individualized plan for employment as early as possible during the transition planning process but, at the latest, by the time each student who is determined to be eligible for vocational rehabilitation services leaves the school setting. The Act also provides for:

1. Consultation and technical assistance to educational agencies in planning for transition of students with disabilities from school to post-school activities, including vocational rehabilitation;
2. Transition planning by personnel of IDVR and the educational agency for students with disabilities that facilitates the development and completion of their Individualized Education Programs (IPE's) under section 614 (d) of the Individuals with Disabilities Education Act (IDEA);
3. The roles and responsibilities including financial responsibilities, of each agency; and
4. Procedures for outreach to and identification of students with disabilities who are in need of transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation programs, eligibility requirements; application procedures, and scope of services that may be provided to eligible customers.

- Referrals should be made to the VR counselor as early as possible following the completion of the student's sophomore year. Earlier referrals can be made based on individual student need. All students with disabilities should be referred, not just those students in special education.
- The VR counselor may participate and/or consult during the development of Individual Educational Plans (IEPs), Individual Transition Plans (ITPs) and Child Study Teams (CSTs) at the invitation of the school and agreement between the VR Counselor and CST members. VRC will determine the appropriate time to take an application when the focus is on the final vocational objective or formal planning for continued employment preparation after the student exits from high school.
- The school district's responsibility is to provide a free and appropriate education to all students. This includes instructional aides, devices, and necessary services to achieve educational goals.
- IDVR's responsibility is to facilitate the accomplishment of long-term vocational rehabilitation goals and intermediate rehabilitation objectives identified in the student's IPE. Only services that are required for achievement of the employment goal will be provided or coordinated.

### ***12.18 Services to Family Members***

The definition of "Family Member" is a relative or guardian of the customer or someone who lives in the same household as the customer and has a substantial interest in the well-being of the customer.

#### **Conditions and Criteria:**

- A. Service may be provided only to individuals that meet the definition of family member.
- B. The services to be provided are those which are deemed to be necessary to the successful completion of the customer's rehabilitation plan (IPE, Extended Evaluation, or Trial Work Period). The customer and VR counselor will make the determination as to whether a service to a family member is necessary to the vocational rehabilitation of the individual customer.
- C. Comparable services and benefits are to be explored and if available, utilized prior to expenditure of agency funds.
- D. IDVR funds can only be utilized if economic need is established on Financial Participation Assessment (FPA).
- E. Family members may not have access to the customer's record of service without a release of information. Family members may have access to information pertaining to the services they received.



**Procedures:**

- A. The category of Services to Family Members requires prior approval from the Regional Manager.
- B. The IPE must set forth the services to be provided to the family member.
- C. In developing the IPE the VR counselor must ensure that the customer and family member(s) understand the basis for the provision of services in order to avoid any misunderstanding as to the scope, nature, and duration of services.
- D. Services under this section must comply with all other portions of the manual relating to the provision of VR services.
- E. Services to family members must be terminated whenever one of the following conditions prevails:
  - 1. When a service(s) is no longer necessary to the customer's plan; or
  - 2. When the customer's plan is terminated in accordance with case closure procedures; or
  - 3. When Post-Employment Services are terminated.
- F. When services are provided to family members, the record of service must include:
  - 1. A rationale that services are required to support the customer's success in completing objectives of the IPE;
  - 2. Data, including medical information, to support the decision to provide services (the least amount necessary to verify the need);
  - 3. Identification of family member(s) receiving those services;
  - 4. The cost of such services; and
  - 5. Documentation of the time limited nature of these services.

***12.19 Personal Care Assistant Services***

A personal care assistant (PCA) assists a customer with a significant disability by performing personal activities of daily living requiring hands-on help, which cannot be performed by the customer because of the significance of the disability. PCA services including personal care related tasks such as:

- 1. Eating
- 2. Drinking
- 3. Toileting

4. Bathing
5. Transfers
6. Dressing
7. Grooming
8. Medications

PCA services do not include chore services, respite, cueing, or household tasks. In most cases, tasks performed by the PCA are customer directed. The PCA is not responsible for any tasks that the customer with a disability can perform independently.

PCA services have been developed to enhance the ability of a customer with a significant disability to live and work independently. The need for PCA services is normally identified through an independent living (IL) evaluation.

A PCA must have completed a State approved training program or have substantial knowledge and experience in providing PCA services.

It is the policy of the IDVR to provide PCA services to customers with significant disabilities, when PCA services over and above those required for normal daily living are required to assist the customer to complete the VR process. IDVR does not provide PCA services in lieu of existing PCA programs and providers. If the VR counselor determines that PCA services are necessary for the customer to complete the objectives of the IPE, the VR counselor will need to conduct or obtain a personal care assistant evaluation to determine the number of hours of PCA services that are required for participation in the IPE over and above the customer's normal daily living needs.

It is the responsibility of the customer and the VR counselor to identify, apply for and utilize any and all similar benefits for PCA services. PCA recruitment and management is the responsibility of the customer. Payment for PCA services is made through an authorization to the customer for PCA services. The customer then pays the chosen provider. IDVR will not exceed the current rate established by Medicaid. IDVR does not pay for standby time; only for direct service time related to the VR service that the PCA service is addressing. The customer is required to submit verification of services received from the provider to IDVR on a monthly basis to continue to receive PCA funds.

IDVR PCA services are time limited in nature and are provided during the vocational rehabilitation process, if required, to assist in determining eligibility, for participation in vocational evaluation and assessment, and during implementation of an IPE with a goal leading to competitive employment. The provision of PCA services must be linked directly to the objective of the IPE. PCA services funded by IDVR must be for those tasks over and above PCA services normally required for tasks of daily living. No more than 40 hours per week will be authorized for PCA services.

When the IPE objectives have been successfully completed and the goal of competitive employment has been achieved, provision of PCA services required to maintain employment becomes the responsibility of the customer.

## ***12.20 Services to a Group of Individuals***

The Rehabilitation Act of 1973 as amended authorizes the provision of rehabilitation services to groups of individuals.

### **Guidelines:**

Services for a group of individuals with disabilities must be expected to substantially contribute to the vocational rehabilitation of a group of individuals, but does not relate directly to the individualized rehabilitation program of any one individual with disability. The decision to provide services to groups will be made based on the need for the services as well as the available resources of the agency.

### **Establishment**

Under the authority of 34 CFR 361.49(a)(1), IDVR may pursue the establishment, development, or improvement of a public or non-profit community rehabilitation program that is used to provide vocational rehabilitation services that promote integration and competitive employment, including, under special circumstances, the construction of a facility for a public or non-profit community rehabilitation program. Examples of “special circumstances” include the destruction or natural disaster of the only available center serving an area or a State determination that construction is necessary in a rural area because no other public agencies or private non-profit organizations are currently able to provide vocational rehabilitation services to individuals.

Any CRP establishment activities undertaken by IDVR will be supported by the pre-planning requirements under 34 CFR 361.49(b)(1) and 34 CFR 361.29.

In order for IDVR to engage in activities to establish, develop or improve a public or non-profit CRP, pursuant to 34 CFR 361.49(a)(1), and use of non-Federal expenditures incurred by those activities to satisfy match requirement under the VR Program, IDVR must first satisfy several pre-planning requirements:

1. IDVR must have written policies that set forth the nature and scope of services that will be provided to groups of customers with disabilities, and the criteria that will be used to determine the provision of those services (34 CFR 361.49(b)(1)); and
2. Establishment activities must have been identified as a need in IDVR's most recent statewide comprehensive needs assessment and IDVR must have included in its State plan a discussion of the strategies it would use to meet that need (34 CFR 361.29).

If IDVR has satisfied the above pre-planning requirements for activities related to establishing, developing, or improving a CRP, then the following requirements must be satisfied in order for IDVR to use non-Federal expenditures incurred for these activities towards its match requirements under the VR program pursuant to 34 CFR 361.60(b)(3)(i):

1. The activities proposed must fit within the definition of establishment, development, or improvement of a CRP at 34 CFR 361.5(b)(17);

2. The establishment, development, or improvement of a facility for a CRP at 34 CFR 361.5(b)(18), or
3. The construction of facility for a CRP at 34 CFR 361.5(b)(12); and
4. The activities must be designed to provide services to IDVR customers and applicants.

Based on 34 CFR 361.5(b)(17), IDVR may:

1. The establishment of a facility for a public or non-profit community rehabilitation program.
2. Staffing, if necessary to establish, develop, or improve a community rehabilitation program for the purpose of providing vocational rehabilitation services to applicants or eligible customers.
3. Other expenditures related to the establishment, development, or improvement of a community rehabilitation program that are necessary to make the program functional or increase its effectiveness in providing vocational rehabilitation services to applicants or eligible customers, but are not ongoing operating expenditures of the program.

### **Employment Related Services to Customers with Disabilities**

Under the authority of 34 CFR 361.49(a)(6), IDVR may pursue services that promise to contribute substantially to the rehabilitation of a group of customers but that are not related directly to the individualized plan for employment of any one customer.

The nature and scope of the services provided include:

1. Increase access to employment and educational opportunities for persons who are deaf or hard of hearing.
2. Increase awareness of the needs of persons who are deaf and hard of hearing through educational informational programs.
3. Encourage consultation and cooperation among departments, agencies, and institutions serving the deaf and hard of hearing.

## **SECTION 13.0 - CLOSURE**

### ***13.1 Closure During Application Status***

#### **A. No disabling condition**

The VR counselor is unable to verify the existence of a disabling condition. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.

2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

## **B. No impediment to employment**

The VR counselor cannot establish that there is a substantial barrier to employment based on disability. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

## **C. Does not require VR services to achieve an employment outcome**

The VR counselor has been unable to identify substantial VR services necessary to secure, retain or regain employment. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

#### **D. Unable to benefit from VR services**

The VR counselor, through trial work or extended evaluation has established that the applicant is unable to benefit in terms of an employment outcome. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

#### **E. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if

requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

**F. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

These are closures without eligibility determination. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

***13.2 Closure during Eligibility Status***

**A. Unable to benefit from VR services, disability too severe for services**

The VR counselor, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. An ineligibility determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if

requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

#### **B. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.

#### **C. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

#### **D. Closure from the Order of Selection Waitlist**

When the VR counselor is unable to contact (the VR counselor uses the closure reason – unable to contact/locate or moved) or the customer has declined VR participation (the VR counselor uses the closure reason – refused services).



The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).

### ***13.3 Unsuccessful Closure After Implementation of IPE***

#### **A. Unable to benefit from VR services, disability too severe for services**

The VR counselor, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. An ineligibility determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.
5. Customer must return tools and equipment to the agency at the time of unsuccessful closure, in accordance to the tool agreement. Exceptions must be approved by the Regional Manager.

## **B. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

## **C. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation);
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

## ***13.4 Successful Competitive Closure After Implementation of IPE***

### **A. Rehabilitated with supports**

Customers in supported employment are determined rehabilitated when the objectives of the IPE for supported employment training are achieved and a plan for extended support services is verified through the activation of services related to the long-term source of support.

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement

of the employment outcome

2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

## **B. Rehabilitated without supports**

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.

4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

### ***13.5 Successful Non-Competitive Closure After Implementation of IPE***

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. A. Homemaker – verify that the customer has increased their ability to provide services around the house that enable other family members to increase their financial contribution to the family.  
  
B. Unpaid Family Worker – verify that the customer is working for the family farm or family business.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.

7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

### ***13.6 Closure After Post Employment Services (PES)***

#### **A. Closed unemployed; opening a new VR case**

The VR counselor has made a determination that the scope of services is inappropriate for PES and the customer has agreed to apply for a new VR case.

1. PES is closed.
2. Customer applies for services.

#### **B. Employment maintained or regained**

The customer and VR counselor are in agreement the job is or has been maintained, regained or advanced in.

1. PES case is closed
2. Customer agreement with case closure is documented in the case record.

#### **C. Lost job; no further services at this time**

The customer's employment was not maintained, regained, or advanced in and no VR services are appropriate at this time.

1. PES case is closed
2. Customer has been informed of case closure is documented in the case record.

## **SECTION 14.0 ORDER OF SELECTION**

### ***14.1 Authority***

Rehabilitation Act of 1973 as amended by the Rehabilitation Act of 1998, Sections 101 and 102.  
34 CFR Part 361 §361.36, §361.3.

### ***14.2 Policy***

In the event that the projected fiscal and personnel resources of IDVR become inadequate to provide the full range of services, as appropriate, to all eligible customers, the Administrator will implement the Division's Order of Selection procedure. By law, this procedure must insure that customers with the most significant disabilities are served first. The criteria used for determining the Order of Selection for services is the category of significance of the disability as defined in Policy Section 6.2 and the application date for VR services.

Factors that will not be considered in determining an order of selection priority category include:

- A. Type of Disability
- B. Duration of residency, provided the customer is present in the state;
- C. Age, gender, race, color or national origin;
- D. Source of referral;
- E. Type of expected employment outcome;
- F. The need for specific services or anticipated cost of such services; or
- G. The income level of the customer or customer's family.

### ***14.3 Administrative Requirements***

IDVR must ensure that its funding arrangements for providing services under the State Plan, including third-party arrangements and awards, such as cooperative funding agreements with school districts, other State agencies or contractual arrangements, are consistent with the Order of Selection. If any funding arrangements are inconsistent, the Agency must renegotiate these funding arrangements so that they are consistent with the Order of Selection.

### ***14.4 Procedures***

#### **Determination of Significant Disability**

When a VR counselor determines a customer is eligible, the VR counselor also establishes the level of significance of disability based upon the criteria established in Section 6.0. The level of significance of the customer's disability is identified with one of the following three priority categories:

- A. Customers with disabilities
- B. Customers with significant disabilities
- C. Customers with the most significant disabilities

#### **Statewide Order of Selection Waiting list**

When a VR counselor completes the eligibility process and the determination of the significance of the disability determination, the customer is added to the statewide Order of Selection waiting list in the appropriate category by date of application. The date of application process is completed (see section 5.3). The case is transferred from the VR counselor caseload to the office Order of Selection waiting list.

Written notification will be provided to the customer informing them of:

- Their eligibility determination.
- Their placement on the waiting list.
- The priority categories of IDVR's Order of Selection.
- Their assignment to a particular category.
- Their right to appeal their category assignment.
- The availability of the Client Assistance Program (CAP).

When resources are available, the Chief of Field Services notifies the Regional Managers of the number of customers to take from the waiting list by priority category, application date(s) and office locations. Regional Managers then coordinate with the VR counselors to transfer the corresponding cases from the Order of Selection waiting list in respective offices to VR counselor's caseloads.

A customer on the statewide Order of Selection waiting list may request that his/her case be transferred from one office to another by contacting the local VR office – The request for transfer will be processed by the Regional Manager where the case resides.

### **Transferring a New Case to the Order of Selection Waiting List**

The Regional Manager is responsible for ensuring appropriate priority categories are being served, for maintaining the office Order of Selection waiting list and for verifying Information and Referral (I&R) is occurring. Cases will be transferred from a VR counselor's caseload to the office Order of Selection waiting list within ten (10) business days of the eligibility date.

The Regional Manager will verify Information and Referral sources have been documented prior to transferring the case to the office Order of Selection waitlist.

### **Transferring a Case from the Order of Selection Waiting List to a VR Counselor**

Upon notification to initiate services for case on the Order of Selection waiting list for the specified priority category and application dates, the Regional Manager or designee must transfer cases from the Order of Selection office waiting list to a VR counselor within five (5) business days. The VR counselor is notified of the case transferred and is authorized to initiate services.

If a case is closed from the office Order of Selection waiting list, the case is automatically removed from the statewide Order of Selection list.

### **Initiating Services for Customers Referred from the Order of Selection Waiting List**

IDVR will determine when it is appropriate to implement procedures to re-establish or maintain contact with customers while they are on the Order of Selection waiting list. Factors to consider are the length of time a customer has been on the list and the anticipated time before the customer's category will open.

Upon receipt of the case transferred from the Order of Selection waiting list, the VR staff takes the following steps:

1. To contact the customer and schedule an appointment.
2. If telephone contacts are unsuccessful a letter will be sent to initiate contact.
3. Reasonable and timely efforts to find updated phone numbers and addresses for the customer.

4. If the customer has not responded within forty (40) days from the date the letter was sent, VR staff will proceed with case closure.

VR counselors need to consider the communication needs of the customer, including the need for information in alternate formats when initiating contact by telephone or letter.

Steps to contact each customer are documented in the case management system narrative and filed in the case service record.

### **Exceptions for Reopening Closed Cases**

A VR counselor may request the Regional Manager to get permission from the Chief of Field Services to reopen a case on an exception to policy basis if a customer contacts IDVR after his/her case is closed. If the customer's lack of response was a result of exceptional circumstances that prevented the customer from responding, the VR counselor should consult with his/her supervisor about an exception to policy to reopen the case.

### **Customers not ready to Proceed with IPE Development upon Referral from the Order of Selection Waiting List**

If a VR counselor contacts a customer to initiate services and she/he is not ready to begin working with IDVR, the VR counselor needs to help the customer make an informed decision about how to proceed. If a customer does not wish to, or is unable to proceed with IPE development, IDVR will close the case and the customer must reapply. IDVR cannot 'hold' a spot on the waiting list nor can a customer be put back at the top of the list. The VR counselor needs to discuss the reasons the customer is not ready to proceed and whether a reasonable time frame can be agreed upon to resolve the issues.

## ***14.5 Information and Referral (I & R)***

When operating under Order of Selection, IDVR is required to offer Information and Referral (I&R) services to customers who cannot be served and must wait for services because of the Order of Selection.

IDVR must document and retain information about referrals to other Federal and State programs that provide employment-related services.

### **Information and Referral Requirements**

Federal regulations establish minimum requirements under I&R as follows. IDVR must:

- A. Provide customers with accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) to prepare for, get, or keep a job.



- B. Refer customers with disabilities to other Federal or State programs that are best suited to address their specific employment needs, including partners in the workforce investment system.
- C. Initiate a notice of referral identifying:
  - a. The name of the program to which the customer is referred;
  - b. A contact person in that program; and
  - c. Information about the most suitable services to assist the customer prepare for, get or keep a job.

## ***14.6 Counseling and Guidance***

To provide customers with accurate VR information and guidance, which may include counseling and referral for job placement, a VR counseling staff member talks to the customer about his/her need to prepare for, get or keep a job. The VR counseling staff member provides advice and guidance about how the customer might proceed, explains referral sources available, and offers to initiate a referral to another program, if appropriate. These interactions occur in the course of other activities, such as completing the application, intake, and eligibility determination.

For customers who choose not to apply for IDVR services because of the Order of Selection, a general guideline is to limit I&R services to one appointment. The VR counselor will NOT establish an on-going counseling relationship nor perform follow-up services regarding I&R.

### **Counseling and Guidance – Referrals**

Each office will maintain a list of Federal and State programs with which IDVR has established a formal referral relationship. It is expected that the Idaho Department of Labor One-Stop Centers will be used extensively, but not exclusively, for the referral of customers who either choose not to apply or are on a waiting list to receive IDVR services. Other programs to be used in this capacity, as appropriate, include Tribal VR programs and other community programs. Because of limited resources in some areas and the unique needs of some customers with disabilities, there may not be an appropriate program available to every person.

### **Counseling and Guidance – Job Placement**

VR counseling staff may provide brief counseling for job placement. If the customer intends to engage in independent, self-directed job search or related activities, the VR counseling staff member may provide brief counseling to assist the customer in this effort. Examples of counseling and referral for job placement may include, but are not limited to:

- A. A counseling session with the customer to discuss what efforts to find a job the customer has already tried and offering other job search strategies and suggestions.
- B. Reviewing and giving advice on a customer's resume.

- C. Discussing reasonable accommodation issues and strategies for approaching an employer.
- D. Discussing and providing the customer with access to the Internet or another resource.
- E. Sharing information about the local labor market.

### ***14.7 Documenting a Formal Referral***

All referrals to employment-related programs must be documented, including referrals for customers who have applied and are waiting for services. Each Regional Manager, or designee, will identify and maintain the list of regional referral sources that require a formal referral. Each time a customer is referred to one of the listed organizations, the VR staff member documents the referral in the case management system. Every case will have an entry in the case management system prior to transferring the case to the Order of Selection waiting list, or the case service record will document efforts to locate referral sources and the reason(s) a referral was not provided.

If a customer requests a referral, the VR staff member prepares and sends a written referral to the organization. In addition, the VR counseling staff member provides the customer being referred with the following:

- A. A copy of the written referral notifying the other federal or state program about the referral.
- B. The name of the person in that organization to be contacted by the customer being referred.
- C. Information about the most suitable services to prepare for, secure, retain, or regain employment.

### **Informal Referrals**

VR counselors routinely provide information to applicants and eligible customers about a wide array of community assistance programs that may offer services or benefits to assist the customer meet a variety of needs (food or clothing banks, medical programs, counseling services, etc.). These types of referrals are considered informal referrals. IDVR staff are encouraged to continue providing customers with information about other programs that offer services to assist them in meeting a variety of needs.

### ***14.8 Post Employment Services***

Order of Selection does not impact or alter the provision of post-employment services. Post-employment services are considered an amendment of the IPE, and therefore, a customer who needs post-employment services is not required to meet the highest priority category currently being serviced under an Order of Selection nor is the customers required to wait for services.

If substantial services are needed, PES is not appropriate. A new application should be taken and would be subjected to Order of Selection.